









PRELIMINARY REPORT

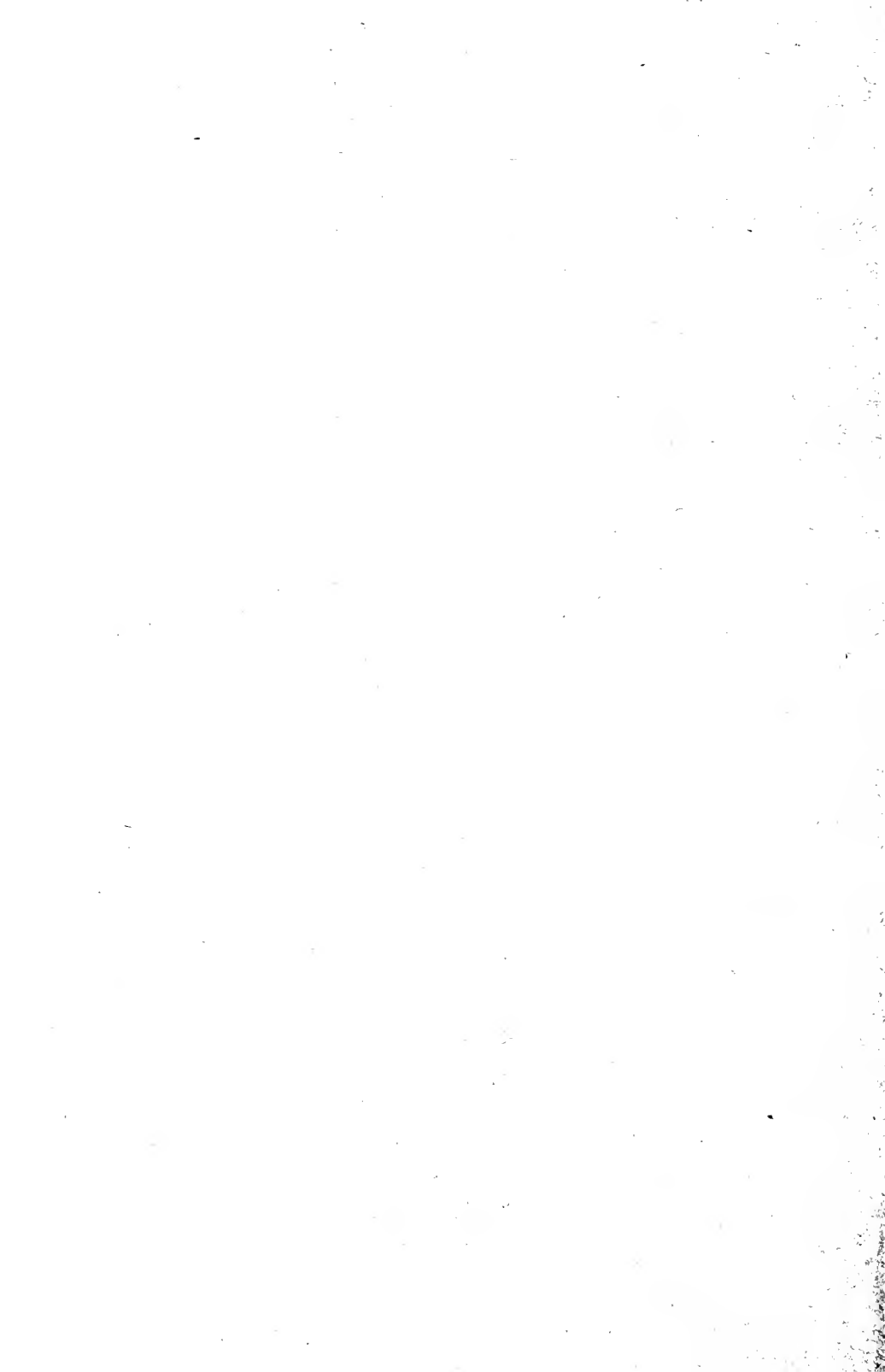
OF THE

# California Historical Survey Commission

FEBRUARY, 1917



CALIFORNIA STATE PRINTING OFFICE  
SACRAMENTO  
1917



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## LETTER OF TRANSMITTAL.

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*To His Excellency,*

HIRAM W. JOHNSON, *Governor,*  
*Sacramento, California.*

SIR: Herewith is presented the report of the California Historical Survey Commission, giving an account of its work from the date of organization, October 9, 1915, to December 1, 1916.

Respectfully submitted,

JOHN F. DAVIS, Chairman.  
HERBERT E. BOLTON.  
JAMES M. GUINN.

OWEN C. COY, Secretary and Archivist.  
San Francisco, January 4, 1917.



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PART I.

INTRODUCTORY STATEMENT.

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## INTRODUCTORY STATEMENT.

### History and Organization of the Commission.

On June 12, 1915, the Governor gave his approval to an act by which there was created a state commission having as its purpose the making of a survey of local historical material in the state of California. By this action our commonwealth was placed among those progressive states which, by legislative enactment and appropriation, have shown themselves actively interested in the discovery and preservation of documents relating to their local history. Long ago the older Atlantic states saw the importance of collecting and publishing documents relating to their colonial and early state history, while during recent years the states of the South and Middle West have taken up similar work.

The statute creating the California Historical Survey Commission reads as follows:

SECTION 1. There is hereby established a California historical survey commission composed of three members to be chosen as hereinafter provided.

SEC. 2. The members of this commission shall be appointed by the Governor of the state of California; *provided*, only that one of the members of said commission shall be nominated by board of regents of the University of California, and that one of the members of said commission shall be nominated by the board of grand officers of the order of Native Sons of the Golden West; all nominations, however, shall be subject to approval by the Governor.

SEC. 3. The commissioners first named shall be appointed for terms ending July 1, 1916, and their successors shall be appointed for a term of two years; the said commissioners to serve without salary.

SEC. 4. The purpose of this commission shall be to make a survey of the material on local history within the state of California by investigating documents in local depositories and in the possession of private individuals and other sources of original information on the early history of the state of California and to compile and keep a record of such sources of information.

SEC. 5. This commission shall have power to organize the work of the commission; to appoint such assistants as it shall deem necessary and to fix their compensation; and to spend such other moneys as it may deem advisable, but no expenditure of money by the commission shall exceed the amount appropriated by this act; to make and enforce rules governing this commission and to do such other things as shall be necessary to carry out the provisions and the purpose of this act.

SEC. 6. This commission shall meet at such times and places within the state of California, as may be expedient and necessary for the proper performance of its duties, such times and places to be designated and determined by this commission.

SEC. 7. The sum of ten thousand dollars or so much thereof as may be necessary, is hereby appropriated out of any money in

the state treasury, not otherwise appropriated, to be expended in accordance with law for the purposes of this act.

In accordance with the provisions of the act the members of the commission were appointed as follows: John F. Davis, then Grand President of the Native Sons of the Golden West, San Francisco; Herbert E. Bolton, Professor of American History in the University of California, Berkeley; and James M. Guinn, Secretary and Curator of the Southern California Historical Society, Los Angeles.

The organization of the commission was completed at a meeting of its members held in San Francisco, October 9, 1915, at which time Commissioner John F. Davis was chosen chairman and Owen C. Coy, of Berkeley, appointed to the position of secretary and archivist and entrusted with the general supervision of the field work of the commission. An advisory committee of persons chosen on account of their recognized ability and experience in dealing with the materials of California history was also named. The members of this committee are: Dr. H. Morse Stephens, Sather Professor of History at the University of California, Berkeley; Dr. Ephraim D. Adams, Professor of History at Stanford University, Palo Alto; Rev. Joseph M. Gleason, Member of the American Historical Association, Palo Alto; Dr. Rockwell D. Hunt, Professor of Economics and History at the University of Southern California, Los Angeles; Mrs. Margaret V. Allen, Secretary of the Pioneer and Historical Society, San Diego; Dr. Charles E. Chapman, Assistant Professor of California History at the University of California, Berkeley; Miss Endora Garoutte, California Department, State Library, Sacramento; and Mr. Charles B. Turrill, San Francisco.

#### **Purpose and Method of the Work.**

Although it may be unnecessary to make mention of the fact, nevertheless in the interest of a clear understanding of the work it should be said that the Historical Survey Commission is not writing a history of the state nor is it engaged in the collection of historical documents. Its work as set forth in section 4 of the act creating the commission is to investigate documents and to compile and keep a report of such sources of information as may be found in local depositories, in the possession of individuals, or elsewhere relating to the early history of this state. Accordingly the commission has taken up a careful survey of the records of the various county archives of the state, and it is hoped as soon as this is completed to extend the work to the archives of the state and to the local federal offices. At the same time reports are being gathered from the public libraries of the state and the extensive collections owned by historical societies, and other institutions. Documents in the possession of private individuals are being listed as fast as



time and resources permit. Other sources of original information are also being investigated, among them being early newspaper files, the records of religious and social institutions and of business concerns.

Since the members of the commission are asked to serve entirely without salary, the general administration of the commission falls largely to its secretary and archivist, assisted by the various field workers. Of these latter, Mrs. Mary M. Bowman, of Los Angeles, has been engaged almost exclusively in reporting upon materials owned by the older families of southern California. During the summer months several men of experience in dealing with historical documents were employed to assist with the field work, and during the month of September, Mr. R. S. Kuykendall, of Santa Clara, a man of ability and historical training, was appointed a regular field assistant. In addition to the work of those definitely employed and paid by the commission, mention should be made of the hearty support and assistance given by the many friends of local California history without whose cooperation the work of the commission must necessarily be greatly handicapped.

#### Activities of the Commission.

**County Archives.** Up to the present time one of the chief features of the work has been in connection with the records in the county archives, which are being examined from three distinct points of view. In the first place a careful survey is being made of the records and documents in the various offices, with the object of determining their historical value and suggesting how they may be employed by students of the social sciences. In this manner every set of records or documents is examined and listed by the proper title, and the number of volumes or documents noted. A careful study is also being made of those parts of the statutes and codes which deal with these records, the results of which study will be set forth in the introduction to the archive report and will, it is believed, constitute a valuable treatise upon the history and contents of the public records, of value alike to the research worker and to the keeper of these records. During the fourteen months since the commission was organized the survey has already been extended over forty of the counties of the state and the records of nearly three hundred offices have been examined and listed. Almost without exception the investigators have been received with the utmost courtesy by the local officials, who have granted free access to the records and have in many cases assisted personally in the work.

**Archive Science.** In order to apply the principles of archive science, this commission, in common with similar bodies in other states, is making a study, not only of the records contained in the public

offices, but also of the conditions connected with their form and preservation. Thus far too little attention has been given to this subject. While some of the county courthouses are undoubtedly fireproof, the greater number are only partially so, and many are veritable fire traps. Furthermore, while it is a felony for an official to destroy any public record entrusted to his care, an investigation of the courthouses will show that many records of value to the research worker, often involving even such vital matters as land titles, are being crowded into damp basements, dusty, mice-infested attics, or into outbuildings used for wood, oil, and even gasoline. It should, however, be said that in cases where the commission has brought these matters to the attention of the officials, boards of supervisors, or grand juries, prompt action has usually been taken to remedy the evil. Again, while it is undoubtedly true that all public officials are interested in seeing that the paper, ink, and other materials used in the records are of good quality, yet the average man does not possess the technical knowledge necessary for making proper tests along this line. The commission is gathering data and before the survey is complete expects to make a scientific examination of these materials and embody the results of the investigation in its final report. The enthusiastic manner in which this, as well as other features of the work, are received by the officers shows that its value is at once recognized.

**Historical Value of Archives.** Space does not permit a recital of the many facts of historical value to be found in the archives of our public offices. In many of the older counties records have been discovered that far antedate the organization of the state government. These are in many cases the records relating to land claims under the Spanish or Mexican governments, but in some of the counties they are much more extensive, dealing with the entire local administrative system. In Monterey County an interesting volume entitled "Official Consular Acts of T. O. Larkin" were discovered. The greater part of the volume is devoted to a record of the titles of property owned by Larkin or his family, but the earlier pages are given over exclusively to a record of his official acts and illustrates very clearly the varied nature of his duties. The time of transition from Mexican rule to the organized state government, was one of the most difficult periods of California history, yet in many of the counties are to be found *alcaldes'* books, records of the *Ayuntamientos*, and of the Courts of First Instance, as well as other documents which throw valuable light upon the events of these years.

For the period since 1850 the records are practically complete, and for the most part uniform in the various counties; yet the missing volumes, the variation in title and in the methods of keeping the records

call for close attention. It will be unnecessary here to give a more complete account of the historical value of these local archives as that matter will be fully illustrated in a later part of this report. To express it briefly, they may be said to contain the framework of historical fact around which the substantial structure of California's political, economic, and social history must be erected.

**County Archives Examined.** As stated elsewhere, the archive work of the commission has been completed in more than forty counties of the state. In the southern counties the archives have been in nearly all cases examined and listed. Los Angeles and San Diego counties have been worked with good results by the secretary and archivist, while San Bernardino, Riverside and Orange counties, as well as Santa Barbara and Ventura counties were covered by assistants during the summer months. The San Joaquin Valley counties, including San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern, were in like manner covered by the secretary and assistants during the spring and summer months of 1916. In the vicinity of San Francisco Bay and south, this work has been completed in Alameda, Contra Costa, San Mateo, Santa Clara, Santa Cruz, San Benito, Monterey and San Luis Obispo counties, many of these yielding good results in the older records. Among the mountain counties the work was pushed rapidly during the more pleasant summer months and practically all of these have now been reported upon, viz: Inyo, Mono, Mariposa, Tuolumne, Calaveras, El Dorado, Placer, Sierra, Plumas, Lassen, Modoc, Siskiyou and Tehama. The north bay counties have been worked as follows: Marin, Sonoma, Mendocino and Humboldt. The counties in the Sacramento Valley, with the exception of Butte, and the counties just north of San Francisco Bay have as yet not been covered in this survey, largely due to the fact that the aim has been to work the more distant or inaccessible districts first. The work is, however, now being centered in this territory and before the spring is over it is expected that the archives of these counties will also be in form to be reported. In a similar manner, Trinity, Del Norte, and Nevada counties are being reserved for special attention as soon as opportunity offers, and the offices of the city and county of San Francisco are likewise being examined. While the archive report has been given first consideration in each of the counties covered, attention has also been given to the discovery of any other classes of material embraced in the work of this survey. It is planned to have field work for the report on the county archives completed during the next few weeks, attention then being directed more especially to the report on California newspaper files and other lines of investigation. In order, however, that the energies of the commission may not be dissipated along too many lines, it has been

thought desirable to make one feature of the work predominant at a time; thus far particular stress has been laid upon the investigation of the county archives.

**Other Public Archives.** In conjunction with the survey of county archives, an examination is being made of the records of the United States land offices and other local federal offices. The documents contained in these depositories have been found most valuable in tracing the settlement of the state, as seen in the administration of land matters and other similar activities of the general government.

**Public Libraries and Collections.** In addition to these depositories of official records, there must also be noted the larger collections of historical materials contained in the public libraries or in the hands of local historical societies. There are within the state several collections which are of particular importance to the student of California history. Among these should be mentioned the State Library at Sacramento, the Bancroft Collection at Berkeley, the Sutro Collection, and that of the Golden Gate Park Museum, both of San Francisco. Since these collections are fairly well known and there is little danger that the materials they contain will be destroyed or removed, and since, on the other hand, the task of listing them would entail great expense in time and money, they have not thus far been included in the work of our survey. But no survey of California historical materials can afford to leave them out of consideration. The collection of the Southern California Historical Society at Los Angeles has been examined and its contents listed. In a similar manner the Coronel Collection, also in Los Angeles, and the collection of the San Diego Pioneer and Historical Society are soon to be reported. Much material of historical value has also been discovered in local public libraries.

**Documents in Private Hands.** The next class of materials to be considered includes the great mass of miscellaneous documents in the possession of private individuals. The work in this field is by far the most difficult thus far taken up by the commission. For, to the popular ignorance as to what constitutes an historical document must be added a natural indifference to the work and a fear lest some action be taken to remove the document from the possession of its present owner. But in spite of the difficulties, many valuable documents have been discovered and in many cases transcribed for the future use of the commission. Among the collections of this class already examined, should be mentioned the private papers of the late Senator Bard, of Ventura County, and the Palomares and Variel collections in Los Angeles. The former contains much valuable material upon the development of the oil industry in California, while the two latter contain many most valu-

able Spanish documents. Other collections of great value have already been located and will be listed within a short time.

While a number of large collections have thus been located, the greater part of the material in private hands so far discovered is made up of isolated documents or manuscripts possessed by individuals or families. It is probably unnecessary to state that these are often of unique value. Among the many documents thus far discovered may be mentioned the old daybook of the firm of Shannon & Cady, at Coloma, the place of the famous gold discovery, which gives excellent illustrations of the high cost of living during the spring of 1849; the diary of Mrs. C. S. Ricks, affording an excellent picture of the social life of San Francisco and Eureka during 1853 and 1854; and the journals of Mr. Stephen Fowler, while on a whaling cruise in the Pacific in 1845-46, and again as a gold seeker in California during 1849 and the early fifties.

**Pioneer Reminiscences.** The gathering of personal memoirs and reminiscences is another field of operation closely associated with the one just considered. Under the personal supervision of the secretary of the commission a number of the older residents of the Humboldt Bay region were interviewed and their reminiscences recorded. In several cases valuable information was obtained in this way, but experience shows that notwithstanding the seeming great value of these stories of pioneers, they are, in fact, extremely untrustworthy as historical evidence and, unless the questioner is already familiar with the main facts, he is very apt to be led astray, the result being a hopeless mixture of historical facts and worthless fiction. However, as opportunity is offered, it will be the purpose of the commission to secure from the pioneers such statement whenever it appears that they will be especially trustworthy. The main reliance for information of this character must, however, be placed in contemporary diaries, journals, and letters, or in memoirs written by the pioneers in years now past.

**Newspaper Files.** In addition to the kinds of material already mentioned in this report, there are one or two other classes which should be considered. Experience has shown that in dealing with local history one of the most valuable sources of information is the local newspaper file. In view of this fact the commission is taking up as part of its regular work the compilation of a directory of newspaper files, in which will be reported the name of each paper which has been published in a community, together with a brief historical note and a complete list of the places where files of the paper may be found. This work is being done largely by correspondence with the papers of the state, most of which give the desired information promptly. Whenever it is possible this data is then checked up by the field workers, who are constantly

on the alert for files of old papers around the newspaper offices, public libraries, and county archives. The large amount of this material in private hands, together with the great number of newspapers now no longer published, makes this a difficult task, but we believe its importance justifies the effort necessary to carry it to completion.

**Other Historical Sources.** There are also many other lines of work awaiting the attention of this commission. Upon some of these a beginning has already been made, while others must wait until a more favorable opportunity offers. The records of the religious organizations contain very valuable and interesting information regarding the development of that phase of the state's history. Father Zephyrin Engelhardt, the historian of the Franciscan missions, has offered his assistance in making a report upon the archives of the missions, which played such an important role in the early period of California's history. In a similar manner, Father J. M. Gleason, of Palo Alto, a member of the advisory committee of the commission, has already taken in hand the tabulation of a report upon the archives of the Diocese of San Francisco, and it is hoped to extend this work later to include the local church records as well. Among the Protestant denominations a beginning has also been made. News items and editorial appeals in denominational papers, together with resolutions endorsing the work adopted by the annual conferences of these organizations, have prepared the way for good results as soon as the work can be taken up more effectively. Closely allied to these records are those of fraternal and social organizations, which may later be reported in a similar manner.

**Administration of Funds.** Notwithstanding that the appropriation granted to this commission was small in comparison with the task before it, strict economy has made it possible to accomplish much during the few months since the work was actually begun. The overhead expenses of the commission have been kept down to the minimum, since arrangements have been made whereby office rent and many other incidental expenses have been eliminated. During the first twelve months the operating expenses of this commission have amounted to \$4,929.30, divided as follows: Salary of secretary and assistants, \$3,926.97; traveling expenses, \$853.05; printing, \$76.48; postage, \$40.00; telephone, \$2.63; express, \$5.57; supplies, etc., \$25.60. Thus it will be seen that the two items absorbing most of the funds are for salaries and traveling expenses, in considering which it should also be remembered that the members of the commission serve without salary, and that the secretary and archivist of the commission devotes a large portion of his time to field work. The funds thus are being used in so far as possible for the actual work of extending the survey into all parts of the state.

### Reports of the Commission.

The complete report of this commission will probably comprise several volumes, arranged according to the classes of material considered. The results of the survey of the county archives will occupy at least one volume, in which will be given the list of records or documents found in the various county offices of the state, together with an introduction disclosing the results of the application of archive science to local conditions, and a historical analysis of the contents of the more important offices. The report upon the files of California newspapers will undoubtedly necessitate the compilation of a separate volume devoted to that phase of the work. The number of volumes occupied by the report upon the other material investigated by the commission will depend upon the amount of material discovered. In this present preliminary report no attempt is made to cover the whole field of research taken up, but it is presented merely to illustrate various phases of the work connected with the survey of the county archives. For this purpose the report is divided into three parts, including this general introduction. In the second part is given an historical analysis of the archives of the county clerk. In the third part is a full report on the archives of Humboldt County, which will serve both as a sample of the form of the report, and also as an illustration of the contents of the archives of a county in which the records have been well preserved. The report upon the contents of the office of the Recorder of the City and County of San Francisco, which is also given, has been selected for two reasons: First, to illustrate the method of reporting upon material antedating the formation of the state government; and second, to show the value of the work of the commission in cases where a large part of the records have been destroyed.

### Publication of Reports and Documents.

The various features of the work of the commission thus far taken up or at present under consideration have been discussed in the earlier paragraphs. That the results of its investigation should be made accessible to the public in the form of published reports has been presumed as a matter of course, and the plan of the commission regarding the form of these reports has been set forth, notwithstanding the fact that the statute creating the commission does not specifically give it this power. It is therefore desirable that provision should be made for this either by amending the act or by means of supplementary legislation. A closely allied field of activity relates to the publication of the text of historical documents. This is one of the chief features of the work of the historical commissions or societies in most of the eastern states, and liberal appropriations are made for it. Already in this

state many documents of unique value have been discovered in the possession of private individuals or in local depositories. When these exist only in the original manuscript, as is usually the case, they are not only practically inaccessible to the public, but are constantly in danger of being destroyed and so forever lost. In some cases of this kind the commission has had the documents transcribed with a view of having them published later in one of its reports. It is recommended, therefore, that the commission be authorized to take up the matter of the publication of such documents, and that a reasonable appropriation be made to cover the expense thereof.

### Public Appreciation.

This report would not be complete without at least a brief recognition of the assistance rendered by the citizens, officials, and local newspapers of the state. Wherever the investigations of the commission have been carried on the reception given by the citizens and officials has been enthusiastic and loyal.

In an especial manner should the patriotic order of the Native Sons of the Golden West be commended for its service to the state both at the very beginning of this movement and later by adding to its efficiency through the activities of its local parlors. The newspapers of the state have also been heartily in support of the work both through news items and editorial commendation. Mr. Clarence M. Hunt, editor of the *Grizzly Bear*, has generously given space in the issues of that periodical for reports of the activities of the commission; while the great number of newspapers in the state, both daily and weekly, denominational as well as secular, have rendered most valuable assistance in bringing the work to the attention of the public. The value of all this to the work of the commission is twofold. In the first place the material assistance rendered is indispensable to its success, while the hearty support and words of appreciation confirm our belief that the work in hand is of much importance and that the final reports of the commission will be received by the public as contributions of great value.



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PART II.

AN HISTORICAL ANALYSIS  
OF THE ARCHIVES  
OF THE COUNTY CLERK.

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## RECORDS OF THE COUNTY CLERK.

### General Provisions.

The records under the custody of the county clerk constitute the most important collection in the archives of the counties, the only possible exception being the archives of the county recorder, which for land titles and similar matters are most valuable. To a person unfamiliar with the duties of the county clerk, or with the titles of the various records kept in his office, the great bulk and manifold kinds of records is apt at first to prove bewildering. In order to aid such a person to become somewhat acquainted with the duties of the office and with the contents of its archives the following analysis is here presented. This preliminary account is based almost entirely upon the provisions of the statutes or codes, which in many cases have been followed literally. In the later report, however, it is planned to publish a more thorough and critical analysis of the archives, based more largely upon the actual working conditions. It is hoped that to the person not yet familiar with the archives of the county clerk this may prove a helpful introduction, while to the overworked official this assembling of much scattered information, together with the frequent references to the statutes and codes, may also be of value as a convenient manual.

The records of the county clerk have been divided into three main divisions, corresponding to the classes of duties performed by that office. These divisions are as follows: I. Court records; II. Supervisors' records; and III. Miscellaneous records. Under the first division will be found a brief historical account of the various courts of which the county clerk has by law been made the clerk, together with a description of the various records kept by the courts. The second division includes all those records kept by the county clerk in his capacity as clerk of the board of supervisors. The third division is much less easily defined, but includes all other records kept by the county clerk, for many of his duties can not be considered as falling to him either as a clerk of the court or as clerk of the county board. In some cases these records might be capable of different classification, but since a rearrangement would lead to other complications it has been thought best to maintain their place in this miscellaneous group.

The earliest act prescribing the duties of the county clerk was passed by the first legislature April 18, 1850, and stated that they were to be as follows<sup>1</sup>: He was *ex officio* clerk of the district court, court of sessions and probate court of his county; he was empowered to administer oaths and to receive bonds; was required to attend each term of the

<sup>1</sup>Cal. Stats., 1850, 261-2.

county court and the other courts of the county; to keep an office at the county seat and "take charge of and safely keep or dispose of according to law all books, papers and records which may be filed or deposited in his office." A further section sets forth that he was to issue all writs, etc., enter all orders, judgments and decrees proper to be entered in the minutes; to keep a docket of each court in which he was to make certain specified entries; and was to keep such other books or records as might be prescribed by law or by the rules of the court.

A few unimportant amendments were made before 1872, when the duties of the clerk were outlined in the Political Code.<sup>1</sup> The first paragraph reiterated the provision regarding the safe-keeping of all records, books and papers filed or deposited in his office; the second declared that he was to act as the clerk of the board of supervisors, district, county and probate courts and attend each term of them and upon the judges in their chambers when required; third, that he was to issue all processes and notices required to be issued and to keep for each court a docket; fourth, he was to keep an index of all suits in the district and county courts. Among his duties were also included the keeping of such other records and duties as may be prescribed by law.

Since that time the changes made in the code have been of little importance.<sup>2</sup> In 1907 the code was rearranged and the sections cited replaced by sections 4178 and 4179, but these did little more than to incorporate the old provisions. Since 1872 the older courts had given way to the superior court with a consequent change in the title of the clerk's records.<sup>3</sup>

### Court Records.

#### HISTORY AND ORGANIZATION OF THE COURTS.

**District Court.** At the time the state was first organized and for thirty years thereafter the judicial affairs of the counties were administered by three, and, for a part of the time, four separate courts. These were the district court, county court, probate court and the court of sessions. The highest of these was the district court. The state was divided into nine judicial districts. The district judges held court at the various county seats of their districts at certain specified dates. The jurisdiction of the court was original in all cases of law and equity and civil cases where the amount exceeded \$200; and in all criminal cases not otherwise provided for; it covered all issue of facts in probate cases; and all cases of real property. The county clerk was *ex officio* clerk of the court.

<sup>1</sup>Pol. Code (1872), §§ 4201-4205.

<sup>2</sup>Stats. and Amend. to Codes, 1880: 162; 1883: 323; 1891: 322; 1893: 374; 1897: 482.

<sup>3</sup>Stats. and Amend. to Codes, 1907: 404.

By the act of March 11, 1851, the number of districts was increased to eleven, the term of the judges fixed at six years, and the court given appellate jurisdiction over the county court, and the court of sessions in criminal matters.<sup>1</sup>

The number of districts varied, there being fifteen in 1855, reduced to fourteen in 1863. In the year 1863 the district court was given jurisdiction over cases involving the legality of any tax, impost, assessment, toll or municipal fine.<sup>2</sup>

In an act approved April 4, 1864, the matter of tax suits was much more fully considered. It provided that all actions for the collection of taxes on real estate wherein an order of sale was sought by the plaintiff should be heard in the district court of the proper county. For the keeping of the records regarding these suits the clerk of the court might be required to procure books as follows: an index book; a register of actions; an order book; and a decree book.<sup>3</sup>

This court also had jurisdiction in matters of naturalization, but since the records in reference to this are considered later under that head in the "Miscellaneous Records of the Clerk," no further mention will be made here. Under the constitution of 1879 the district court was discontinued, its jurisdiction within each county being given to the superior court of that county.<sup>4</sup>

**County Court.** By action of the first legislature a county court was established in each county, under the supervision of the county judge. Four regular sessions were to be held annually for the trial of appeals from the justices of the peace and such special cases as might be pending. The county judge was empowered to issue writs of habeas corpus and as conservator of the peace of the county could exercise all the powers of the justices of the peace as conservators of the peace. He was given jurisdiction over probate matters, and was required to hold a session of court for the hearing of such matters on the first Monday of each month. He was also given power to issue writs of injunction, mandamus, attachment and all other writs and processes known to the law. The county clerk was clerk of this court.<sup>5</sup>

In 1851 a general law was passed concerning the courts of justice of the state which repealed all previous laws on the subject. Under the new law the county court continued as before to have jurisdiction in lesser civil cases, except that its probate jurisdiction was given to a new probate court which was created, the county judge being, however, the judge of this new court. The appellate jurisdiction of the court

<sup>1</sup>Cal. Stats. 1850: 93-96; 1851: 31-32.

<sup>2</sup>Cal. Stats. 1855: 117; 1863: 335.

<sup>3</sup>Cal. Stats. 1863-4: 399, 400.

<sup>4</sup>Cal. Stats. 1880: 21.

<sup>5</sup>Cal. Stats. 1850: 217.

included judgments rendered in civil cases in justice's or recorder's courts in the county, extended in 1853 to include also mayor's courts. In 1863 the court of sessions was abolished and its criminal jurisdiction given to the county courts.<sup>6</sup> Under the constitution of 1879 this court was discontinued, being superseded by the superior court.<sup>7</sup>

**Probate Court.** The act of the legislature by which the county courts were created gave to those courts jurisdiction over probate matters, except that issues of fact joined in the probate court were to be tried in the district court. For the transaction of probate business the county judge was to hold a term of the court on the first Monday of every month.<sup>8</sup>

In 1851 a distinct court was created, to be known as the probate court, the county judge being made judge of this court. Its jurisdiction was similar to that formerly exercised by the county court over probate business.<sup>9</sup> Regarding issues of fact, it was required that in certain cases they should on request of either party be tried in the district court, but might by consent of parties be tried in the probate court. Appeals were also allowed to the district court from the decisions of the probate court.<sup>10</sup>

In 1864 an amendment to the law of 1851 allowed appeals to the supreme court from decisions of the probate court. In 1868 the sections regarding trial of issues of fact were amended so as to require these issues to be tried by a jury in the probate court instead of in the district court. As thus amended the provisions for the probate court were incorporated in the Code of Civil Procedure in 1872.<sup>11</sup> The probate court was discontinued in 1880, being superseded by the superior court, in accordance with the provisions of the constitution of 1879.<sup>12</sup>

**Probate Records.** There is great diversity in the methods of keeping the probate records, depending somewhat upon the size of the counties. This department, in common with the others, has a calendar, docket, index, file, register of actions and minutes. With the latter are included orders of the court. The larger offices have a great number of form books for entering orders, but all the volumes of minutes and orders are usually numbered consecutively in one series. In the probate department are also found volumes in which are recorded letters of administration and guardianship, in several different forms, guardians' inventories and appraisements, wills admitted to probate, and the records regarding the collateral inheritance tax.

<sup>6</sup>Cal. Stats. 1851: 17; 1853: 293; 1863: 336.

<sup>7</sup>Cal. Stats. 1880: 21.

<sup>8</sup>Cal. Stats. 1850: 217, 94.

<sup>9</sup>Cal. Stats. 1851: 22.

<sup>10</sup>Cal. Stats. 1851: 486; 1855: 132, 300; 1861: 630, 654.

<sup>11</sup>Cal. Stats. 1863-4: 375; 1867-8: 628; Code of Civ. Proc. (1872), §§ 94-100; 659-671; 1312; 1716.

<sup>12</sup>Cal. Stats. 1880: 21.

**Court of Sessions.** By act of the legislature in 1850 a court of record styled the court of sessions was organized in each county of the state, composed of the county judge and two justices of the peace, the county clerk being clerk of this court. Meetings were to be held every other month and their business was divided into two kinds known as criminal jurisdiction and county business. The criminal jurisdiction of the court of sessions extended to all cases of assault, assault and battery, breach of the peace, riot, affray, petit larceny and misdemeanors punishable by fine not over \$500 or three months imprisonment. In addition to this criminal jurisdiction the court supplied the place later taken by the board of supervisors. The two kinds of business were radically different and the clerk was required to keep a separate set of minutes and records for each.<sup>13</sup> The records relating to county business are considered under the records of the board of supervisors.

An act of March 11, 1851, repealed the former law but embodied most of its features in the new act. Its jurisdiction here given was: (1) to inquire, by the intervention of a grand jury, of all public offenses committed or triable in the county; (2) to try and determine indictments found therein, for all public offenses except murder, manslaughter and arson; (3) to hear and determine appeals from the justice's, recorder's and mayor's courts in cases of a criminal nature.<sup>14</sup> In 1863 the court of sessions was discontinued and its criminal jurisdiction given to the county court.<sup>15</sup>

**The Superior Court.** In 1880 the present system of superior courts came into being in accordance with the terms of the constitution adopted the year preceding. These courts succeeded to the jurisdiction of the district courts, county courts and probate courts. There is in each county of the state a superior court, for each of which one or more judges are elected by the qualified electors of the county.<sup>16</sup> As now existing, the work of these courts is divided into three general classes for handling: (1) civil and criminal cases, (2) probate matters, and (3) the business of the juvenile court. For each of these divisions a separate set of records is kept.

**The Juvenile Court.** The Juvenile Court law, approved March 8, 1909, provided that the superior court should exercise the jurisdiction conferred by that act. In counties where there were more than one judge, one was to be selected to preside over this court. The sessions of the juvenile court must be held separate from other court sessions, and no persons permitted to be present except such as were connected with the business of the court. The orders and findings of the court

<sup>13</sup>Cal. Stats. 1850: 210.

<sup>14</sup>Cal. Stats. 1851: 18.

<sup>15</sup>Cal. Stats. 1863: 337, 346.

<sup>16</sup>Constitution, Art. VI; Code of Civ. Proc. (1915), §§ 65-79.

were to be recorded in a "book to be kept for that purpose and known as the 'juvenile court record.'"<sup>17</sup> The juvenile court law of 1915 made no change in the provisions cited above except that it requires the orders and findings to be entered in a "suitable book or books or other form of written record, to be kept for that purpose, and known as the juvenile court record."<sup>18</sup>

<sup>17</sup>Cal. Stats. 1909:213.

<sup>18</sup>Cal. Stats. 1915:1225.

#### DESCRIPTION OF RECORDS.

**Roll of Attorneys.** An act of February 19, 1851, provided that admission of attorneys to general practice before all the courts of the state should be made by the judges of the supreme court, although the judges of the district and county courts might admit to practice in their respective courts. The clerk of each court was required to keep a roll of attorneys and counsellors at law admitted to practice before the court of which he was clerk, which roll the attorney was required to sign before he received his license, the roll being a record of the court. This arrangement continued in force until the adoption of the Code of Civil Procedure in 1872 when the provision regarding the district and county courts was omitted, being restored, however, by an amendment to the code in 1874. In 1880 the superior court took the place of the district and county courts. In 1895 the provision of the code permitting the superior court to admit attorneys to practice in that court was again removed, and in 1905 the examination and certification of attorneys was made the duty of the judges of the district courts of appeal. The clerks of these courts keep a roll of attorneys and transmit monthly to the clerk of the supreme court a list of those admitted during the month, and the clerk of the supreme court keeps a general roll of all attorneys admitted to practice in the state.<sup>1</sup>

**Calendar.** A book in which the clerk enters the cases before the court according to the date of issue. Under each date of the court session the clerk enters the titles of the cases to come before the court on that day, and after hearing, a notation showing what disposition was made of the case, whether dismissed, continued, etc., and if continued, to what date.<sup>2</sup>

**Docket.** A record book showing the title of each case, date of commencement, memorandum of each subsequent proceeding in such cause with the date thereof, and list of all fees charged in the cause. In the case of criminal action it must show each indictment according to

<sup>1</sup>Cal. Stats. 1851:48; C. C. P. (1872), §§ 276, 280; Code Amlds. 1873-4:401; 1880:55, 56; Cal. Stats. 1895:56; 1905:5, 6; C. C. P. (1915), §§ 276, 280.

<sup>2</sup>Cal. Stats. 1851:75; Code Civ. Proc., § 593.



date of filing; whether a felony or misdemeanor and whether the defendant be in custody or on bail.<sup>3</sup>

**Execution Book.** An amendment to the Practice act, approved April 2, 1866, provided that when an execution shall have been returned by the sheriff to the clerk, it shall be the duty of the latter to attach the same to the judgment roll. "If any real estate be levied upon, the clerk shall record the execution and the return thereto at large, and certify the same under his hand as true copies, in a book to be called the execution book, which book shall be indexed with the names of the plaintiffs and defendants in execution alphabetically arranged."<sup>4</sup>

**Execution Docket.** The act of April 22, 1850, provided (sec. 182) that the clerk shall keep an execution docket in which he shall enter an abstract of all executions issued by him, setting forth the names of the parties, character of the writ, amount, if it be for money, date of judgment with reference to page of record in which it is entered, date of execution, officer to whom issued, and return made upon the execution. This act was repealed the following year and the new act contained no mention of an execution docket, but the record was still kept in some counties, in one at least as late as 1901.<sup>5</sup>

**File of Case Papers.** The court file, more technically called the judgment roll, contains in civil cases the following papers: First, in case the complaint be not answered by the defendant, the summons and the affidavit or proof of service, and the complaint with a memorandum endorsed on the complaint that the default of the defendant in not answering was entered, together with a copy of the judgment; second, in all other cases the summons, pleadings, a copy of the judgment and any orders relating to a change of the parties.<sup>6</sup> In criminal cases the file contains, as demanded by the Criminal Practice act of 1851: (1) a copy of the minutes of any challenges which may have been interposed by the defendant to the panel of the grand jury, etc.; (2) the indictment and a copy of the minutes of the plea or demurrer; (3) minutes with reference to challenges of trial jurors; (4) copy of the minutes of the trial; (5) copy of the minutes of the judgment; (6) bill of exceptions, if there be one; (7) the written charges asked of the court, if there be any. The Penal Code in 1872 added (8) a copy of all charges given and of the endorsements thereon. This was amended in 1874 and continues in the present Penal Code which says the file shall contain: (1) the indictment or information and a copy of the

<sup>3</sup>Cal. Stats. 1850: 262; 1851: 217; Pol. Code (1872), § 4291; (1915), § 4178.

<sup>4</sup>Cal. Stats. 1865: 6; 703; Code Civ. Proc., § 683.

<sup>5</sup>Cal. Stats. 1850: 144; 1851: 153.

<sup>6</sup>Cal. Stats. 1881: 82; Code Civ. Proc., § 670.

minutes of the plea or demurrer; (2) a copy of the minutes of the trial; (3) the written instructions given, modified or refused, and the endorsements thereon and a certified transcript of the charge of the court; (4) a copy of the judgment.<sup>7</sup>

**General Index.** The clerk is required to keep, in separate volumes, an index to all suits. One volume is headed "General Index—Plaintiffs" and has columns for entering the number of the suit, name of plaintiff, name of defendant, date of judgment, page of entry in the judgment book, page of minute book of the court. The other volume is headed "General Index—Defendants" and has a similar arrangement of columns. The only difference between the two volumes is that in the first the names of the plaintiffs are arranged alphabetically, while in the second the names of the defendants are so arranged.<sup>8</sup>

**Insanity Commitments.** In 1881 an amendment to section 2217 of the Political Code was adopted which requires that the county clerk shall keep a copy of the order committing an insane person to an insane asylum and shall prepare an index book showing the name, age and sex of each person ordered confined in a state hospital for the insane, together with the date of the order and the name of the hospital in which such person is ordered to be confined.<sup>9</sup>

**Insanity—Certificates of Discharge.** There was added to the Political Code in 1903 a provision that when any person is discharged, as recovered, from a state hospital for the insane, a copy of the certificate of discharge may be filed for record with the clerk of the superior court of the county from which said person was committed. The clerk shall record the same in a book kept for that purpose and shall keep an index thereto.<sup>10</sup>

**Judgment Book.** A book in which the clerk is required to enter a transcript in full of every judgment rendered by the court in a civil action. Criminal judgments are placed directly into the minutes.<sup>11</sup>

**Judgment Docket.** A book which the clerk is required to keep, having each page divided into columns headed as follows: Judgment debtors; Judgment creditors; Judgment; Time of entry; Where entered in judgment book; Appeals, when taken; Judgment of appellate court; Satisfaction of judgment, when entered. In 1907 an amendment required an additional column for the date of the entry in the docket.<sup>12</sup>

<sup>7</sup>Cal. Stats. 1851: 263; Penal Code (1872), § 462; Code Amends. 1873-4: 419; Penal Code (1915), § 1207.

<sup>8</sup>Cal. Stats. 1863: 260; Pol. Code (1872), § 4204; (1915), § 4178.

<sup>9</sup>Cal. Stats. 1881: 7; Pol. Code (1915), § 2171.

<sup>10</sup>Cal. Stats. 1903: 509; Pol. Code (1915), § 2189.

<sup>11</sup>Cal. Stats. 1851: 82; Code Civ. Proc., § 668.

<sup>12</sup>Cal. Stats. 1851: 82, 83; 1907: 720; Code Civ. Proc. (1915), § 672.

**Jury Lists.** An act concerning jurors, approved April 28, 1851, provided that after the drawing of the lists of jurors, grand and trial, these lists should be filed in the office of the county clerk. Since that date there has been considerable variation in the method of preparing the jury lists, but the provision for filing in the office of the county clerk has been retained to the present day.<sup>13</sup>

**Minutes.** A record of the daily proceedings of the court, containing a synopsis of all orders, judgments and decrees proper to be entered, unless the court shall order them to be entered at length.<sup>14</sup>

**Register of Actions.** A book in which the clerk of the court is required to enter the title of each action, with brief notes under it, from time to time, of all papers filed and proceedings had thereon.<sup>15</sup>

<sup>13</sup>Cal. Stats. 1851:291; 1852:108; 1859:184; 1863:631; 1863:1:525; 1881:79; 1895:298; Code Civ. Proc., § 208.

<sup>14</sup>Id., Code (1915), § 1178.

<sup>15</sup>Cal. Stats. 1851:134; Code Civ. Proc., § 1052.

## Supervisors' Records.

### HISTORY AND POWERS.

Immediately after the organization of the state government the legislative functions of the counties were, by a law passed April 11, 1850, vested in the courts of sessions of the various counties.<sup>1</sup> The law provided that the court should hold separate sessions for the transaction of county business and it was required that the minutes and all other records of the court when so sitting should be kept separate and distinct from the records of the court when sitting as a court of criminal jurisdiction. The county clerk was made the clerk of the court of sessions and he was required to record in a book kept for the purpose the minutes of the court and regular entries of all resolutions, orders, decisions judgments and decrees touching county business. The powers granted to the courts of sessions were in general similar to those now vested in the boards of supervisors.<sup>2</sup>

An act of April 29, 1851, created for the county of San Francisco a board of supervisors and conferred upon them the powers in matters of county business formerly exercised by the court of sessions. And in the following year a similar law was passed applying to all the counties of the state except San Joaquin, Butte, Trinity, Santa Barbara, Nevada, Yuba, Solano, Mariposa, Sutter, Placer, Shasta, Siskiyou, Klamath, and Sierra.<sup>3</sup> This law was subsequently, at different times, repealed in so far as it related to the counties of Calaveras, Colusa, Contra Costa, Marin, Monterey, Sacramento, Santa Clara, Tulare, and El Dorado,

<sup>1</sup>For the composition, etc., of these courts, see page 25.

<sup>2</sup>Cal. Stats. 1850:210.

<sup>3</sup>Cal. Stats. 1851:322; 1852:87.

and the powers and duties of the boards of supervisors in those counties handed back once more to the courts of session.<sup>4</sup>

March 20, 1855, the law of 1852 was repealed and a new act passed which provided that "there shall be in each of the counties of this state a board of supervisors," and from this date the court of sessions finally ceased to have any legislative functions. There were from time to time special acts relating to the boards of supervisors in particular counties, but it will be unnecessary to notice these acts as they did not affect the general outlines of the original law of 1855. This law, variously amended and augmented, was embodied in the Political Code in 1872, in the various acts providing for a uniform county governmental system and is incorporated in the present Political Code.<sup>5</sup>

The powers and jurisdiction of the board of supervisors, as stated in the law of 1855, were as follows:

1. To make orders respecting and to take care of and preserve the property of the county;
2. To examine, settle and allow all accounts against the county and levy the necessary and lawful taxes;
3. To examine and audit the accounts of all officers having to do with county money;
4. To lay out, control and manage roads, ferries, bridges, etc.;
5. To take care of and provide for the indigent sick of the county;
6. To divide the county into townships and to change these as convenience may require;
7. To establish and change election precincts and appoint inspectors and judges of elections;
8. To control and manage the property of the county and to receive, by donation, any property for the use and benefit of the county;
9. To lease or purchase any real or personal property necessary for the county, after a proper valuation by three disinterested persons;
10. To sell at public auction, after thirty days notice, any property of the county;
11. To cause to be erected, furnished and kept in repair a court house, jail or other public buildings, after receiving bids duly advertised;
12. To control the prosecution and defense of all suits to which the county is a party;
13. To do and perform all such other acts and things as may be strictly necessary to the full discharge of the powers and jurisdiction conferred on the board.

The board shall also act as a board of equalization, shall cause the state and county taxes to be levied, shall publish a semiannual state-

<sup>4</sup>Cal. Stats. 1853: 153, 227; 1854: 32, 40, 44, 52, 222.

<sup>5</sup>Cal. Stats. 1855: 51 *et seq.*; Pol. Code (1872), § 4022-4087; Cal. Stats. 1883: 299 *et seq.*; 1891: 295 *et seq.*; 1893: 316 *et seq.*; 1897: 452 *et seq.*; Pol. Code (1915), § 4027-4090.

ment of the revenues of the county, and they may, by an order entered on the record, adopt, ratify and confirm all the acts, proceedings and contracts of the court of sessions heretofore made.<sup>6</sup>

Subsequent legislation has greatly expanded this statement of the powers and jurisdiction of the board of supervisors, but most of these later additions may properly be construed as being included or implied in the enumeration above. It may, however, be well to note some of these additional powers as they are given in the Political Code of 1915.

14. To maintain public pounds and to fix the limits within which animals shall not run at large;

19. To fill vacancies in county and township offices, with certain exceptions;

26. To destroy pests, such as gophers, squirrels, noxious weeds and insects injurious to fruits or vegetable or animal life;

27, 28. To protect sheep, fish and game;

29. To provide for working of prisoners on public roads, buildings, etc.;

31. To make local police, sanitary and other regulations;

33. To levy a tax for advertising the resources and advantages of the county;

39. To encourage tree planting;

40. To protect river banks.<sup>7</sup>

41. To replace indexes of county records destroyed by fire or other public calamity.<sup>8</sup>

42. To preserve the health of domestic live stock.<sup>9</sup>

43. To take a census, in years other than those in which the federal census is taken, of the county or of any township or district therein.<sup>10</sup>

#### DESCRIPTION OF THE RECORDS.

The earlier laws contained only general provisions that the board of supervisors (or court of sessions) should cause to be kept a book in which should be entered fully the minutes of the board and all their resolutions, orders, decisions, judgments and decrees.<sup>11</sup> The Political Code, adopted in 1872, in defining the duties of the clerk of the board, provided that he must: (1) Record all the proceedings of the board; (2) Make full entries of all their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county; (3) Record the vote of each member on a division or at the request of any member; (4) Sign all orders made and warrants issued by order of the board for payment of money and certify the same to the county auditor; (5) Record the reports of the county treasurer of the receipts and disbursements of the county; (6) Preserve and file all accounts acted upon by the board; (7) Preserve and

<sup>6</sup>Cal. Stats. 1855:51 et seq.

<sup>7</sup>Pol. Code (1915), § 4041 *passim*.

<sup>8</sup>Pol. Code (1915), § 4043a.

<sup>9</sup>Pol. Code (1915), § 4056a.

<sup>10</sup>Pol. Code (1915), § 4055.

<sup>11</sup>Cal. Stats. 1850:219; 1852:87; 1855:51.

file all petitions and applications for franchises and record the action of the board thereon: (8) Record all orders levying taxes; (9) Perform all other duties required by law or by any rule or order of the board.<sup>12</sup> To which were added in 1883 the following: (10) Authenticate with his signature and the seal of the board the proceedings of the board whenever the same shall be ordered published; (11) Authenticate, etc., all ordinances passed by the board, and to record the same at length in the ordinance book.<sup>13</sup>

The Political Code in 1872 provided that the board must cause to be kept: (1) A "Minute Book," in which must be recorded all orders and decisions made by them, and the daily proceedings had at all regular and special meetings; (2) An "Allowance Book," in which must be recorded all orders for the allowance of money from the county treasury, to whom made, on what account, date, number and index; (3) A "Road Book," containing all proceedings and adjudications relating to roads, road districts, and overseers thereof, their reports and accounts; (4) A "Franchise Book," containing all franchises granted by them, for what purpose, length of time and to whom granted, the amount of bond and license tax required; (5) A "Warrant Book," to be kept by the county auditor, in which must be entered all warrants drawn on the treasury, with their number and reference to the order in the minute book, with the date, amount, on what account, and name of payee.<sup>14</sup> To these was added in 1883 the following: (6) An "Ordinance Book," in which must be entered all ordinances duly passed by the board.<sup>15</sup>

**Road Records.** The Political Code at the time of its adoption in 1872 prescribed that the clerk of the board must keep a book in which must be recorded all proceedings of the board relating to each road district, including orders laying out, altering, and opening roads. In a separate book he was required to keep a description of each road district, its overseers, roads, highways, contracts, and other matters pertaining thereto.<sup>16</sup> By an amendment adopted in 1883 all of the data required to be placed in the first book just mentioned was to be incorporated in the minutes of the board in addition to which the clerk was also to keep a road register in which must be entered the number and name of each public highway in the county, a general reference to its terminal points and course, also the date of the filing of the petitions or other papers, a memorandum of every subsequent proceeding in

<sup>12</sup>Pol. Code (1872), § 4030.

<sup>13</sup>Cal. Stats. 1883: 302; Pol. Code (1915), § 4035.

<sup>14</sup>Pol. Code (1872), § 4031.

<sup>15</sup>Cal. Stats. 1883: 302; Pol. Code (1915), § 4039.

<sup>16</sup>Pol. Code (1872), § 2621.

reference to it, with the date thereof, and the folio, and the volume of the minute book where it is recorded.<sup>17</sup>

**Equalization.** The Political Code (1872) required that the records of the board of supervisors when acting as a board of equalization be kept separate from the other records of the board, section 3682 reading, in part: "The clerk of the board must record in a book to be kept for that purpose all changes, corrections, and orders made by the board relative to equalization of assessments." This requirement has remained in the code since that date.<sup>18</sup> Under this provision therefore are to be found minutes of the Board of equalization, petitions and actions regarding erroneous assessments, etc.

**Burial of ex-Union Soldiers, Sailors and Marines.** A law enacted in 1889 requires that the board of supervisors provide for the proper burial of ex-Union soldiers, sailors and marines, who die in the county without sufficient means, the burial to be in charge of some proper person and to be at a cost not to exceed fifty dollars. The person in charge of the burial is required to make a report on the condition and history of the man and his family, this report with the other facts in the case to be entered by the clerk in a book to be kept for that purpose.<sup>19</sup>

**Maps of Voting Precincts.** Section 1125 of the Political Code, added in 1915, provides that in all counties (with certain exceptions) the county surveyor shall, upon the written request of the county clerk or registrar of voters, divide the county into election precincts and prepare detail precinct maps and exterior descriptions and copies thereof, which shall be filed with the board of supervisors and adopted by them.<sup>20</sup>

#### Miscellaneous Records.

In addition to those duties which the county clerk has, by virtue of his being clerk of the courts or clerk of the board of supervisors, there are many other miscellaneous records kept by him. These may in some cases appear to be closely related to one of the other groups, but after careful consideration have been classed among these miscellaneous records. For convenience they have been arranged into a number of subdivisions as follows: (1) Office routine and general duties; (2) Marriage and public health; (3) Naturalization; (4) Registration; (5) Elections; (6) Records relating to private business; (7) Records relating to other officers.

<sup>17</sup>Cal. Stats. 1883: 7; Pol. Code (1915), § 2622.

<sup>18</sup>Pol. Code, § 3682.

<sup>19</sup>Cal. Stats. 1889: 198.

<sup>20</sup>Cal. Stats. 1915: 861.

## OFFICE ROUTINE AND GENERAL DUTIES.

Under this heading are grouped such records as the clerk's cash book, memorandum of accounts, fee book, special deposit record, etc. With the exception of the fee book, which is kept in some form by all clerks, there is but little uniformity in the titles or form of these records, although they are in general similar in nature. In addition to these financial records there are also others relating to correspondence, a file of miscellaneous papers and the clerk's land register docket, under the Torrens Land act. Other titles which deserve more extended treatment are considered in the following paragraphs.

**Hunting and Fishing Licenses.** The game law enacted March 13, 1907, required the county clerk to enter in a book kept for that purpose the name and resident address of every person to whom is issued a hunting license, and a description of such person, by age, height, race and color of eyes and hair. The 1909 law repeated this requirement and it is still in force. By an act of June 16, 1913, a similar provision is made regarding "Sporting fishing licenses." Other documents relating to game licenses, such as applications for licenses and license stubs, are also frequently kept by the clerks. They are, however, considered as merely temporary records and are usually soon destroyed.<sup>1</sup>

**Military Rolls and Military Tax.** An act concerning the organization of the militia, approved April 10, 1850, provided that "all free, white, able-bodied citizens, between the ages of eighteen and forty-five years, residing in this state and not exempt by law, shall be subject to military duty." All who were not exempted by law, and not members of any volunteer or independent company, were required to pay to the county treasurer two dollars a year as a commutation for the nonperformance of military duty. Provision was made for enforcing the collection of this military tax. This law also required the assessor each year to make out a separate and distinct list of all persons subject to military duty and not exempt by law and not members of any volunteer or independent company. A certified copy of this list was to be sent to the Adjutant General of the state and the original list deposited in the office of the county clerk.<sup>2</sup>

An act approved April 25, 1855, reenacted the earlier section regarding those subject to military duty. It also required the assessor, as before, to make out a military list, a copy to be transmitted to the Brigadier General of the brigade to which his county belonged, and the original to be deposited in the office of the county clerk. This law required the payment of a tax of twenty-five cents by each person on the

<sup>1</sup>Cal. Stats. 1907: 247; 1909: 663; 1913: 286; Deering, Gen. Laws (1915): 486, 489.

<sup>2</sup>Cal. Stats. 1850: 190.



military list for the support of the volunteer militia of the state. The assessor was to assess this tax and it was to be collected and returned in the same manner as other taxes.<sup>3</sup> An amendatory act of April 10, 1856, increased the military tax to fifty cents and required the state controller to have uniform blank receipts printed and distributed to the various counties for use in the collection of this tax.<sup>4</sup>

An act approved May 9, 1861, repealed the previous laws regarding the militia but reenacted the section regarding those subject to military duty. This law also required the assessor, as before, to make out the military list of the county, which list was to be delivered to the clerk of the board of supervisors. These provisions were repeated in the militia act of the following year.<sup>5</sup> An amendatory and supplemental act passed in 1863 levied upon each male inhabitant of the state of the age of twenty-one years an annual tax of two dollars, to be known as the "military poll tax," to be assessed and collected in the same manner as the state poll tax. Volunteers in the United States army were exempted.<sup>6</sup> The laws of 1855, 1861, and 1862 also required the muster roll of each company to be filed with the county clerk of the county in which it was located.

By the adoption of the Political Code in 1872 the previous laws regarding the militia were repealed or superseded. Sections 1895 to 2117 of the code as then adopted had to do with the state militia. Section 1897 required the assessor each year to make out a military roll for the county, as under the earlier laws, and to deliver the same to the clerk of the board of supervisors. The board of equalization must then correct the military roll at the same time as the assessment roll, and the clerk must send a copy of the corrected list to the Brigadier General of the brigade to which his county belonged.<sup>7</sup> In 1897 this was amended by requiring two copies of the roll to be delivered to the clerk of the board of supervisors, and in 1913 by requiring the military roll to be made up only in each odd-numbered year, and by substituting "Adjutant General of the state" for "Brigadier General of the brigade."<sup>8</sup>

#### MARRIAGE AND PUBLIC HEALTH.

**Marriage Licenses.** The Civil Code (March 21, 1872) first set down the requirement of a marriage license preceding the performance of the marriage ceremony, section 69 of which provided that the parties wishing to be married must first obtain a license from the clerk of the

<sup>3</sup>Cal. Stats. 1855: 136.

<sup>4</sup>Cal. Stats. 1856: 87.

<sup>5</sup>Cal. Stats. 1861: 321; 1862: 362.

<sup>6</sup>Cal. Stats. 1863: 116.

<sup>7</sup>Pol. Code (1872), §§ 1897, 1899, 1900.

<sup>8</sup>Cal. Stats. 1897: 106; 1913: 710, 711.

county court showing: (1) the identity of the parties; (2) the real and full names and place of residence; (3) that they are of sufficient age to be able to consent to marriage; (4) that if the male is under twenty-one or the female under eighteen, that the consent of the parent is given or that the party had been married before.

Two unimportant amendments were made in this section of the code<sup>9</sup> before 1905, when it was more thoroughly revised.<sup>10</sup> This amendment required that the applicant must show upon oath the facts demanded in the earlier section. It further forbade marriages between certain races, or the marriage of imbeciles, insane persons or persons under the influence of intoxicants.<sup>11</sup>

**Record of Medical Certificates.** The first of a series of acts regarding the registration of persons engaged in professions having to do with the public health of the people of the state was enacted April 3, 1876, and created a state board of examiners who were to grant medical certificates to such persons as were by them considered qualified to practice medicine. These were to be recorded in the office of the county clerk in the county in which the physician had his practice; and for this purpose the clerk was to keep a book, which would contain a complete list of the certificates recorded by him.<sup>12</sup> In 1901 this act was replaced by a new law forming the board of medical examiners but in sections eight and nine it prescribes similar duties to the county clerk as those previously required.<sup>13</sup>

**Register of Dentists.** On March 12, 1885, the first act requiring the registration of dentists was passed. A board of examiners was created to pass upon the qualifications of applicants and it was made unlawful for dentists who were not already practicing to begin practice without first obtaining a license. Practicing dentists were required to file their names for registration with the county clerk within a period of six months, and all new applicants were to register before beginning their practice. For this purpose the county clerk was required to keep a book to be known as the "Register of Dentists." An amendment was made to the act in 1893, but in no wise affected the manner of the clerk's record and in 1901 the act of 1885 was replaced by another without materially affecting the issue considered.<sup>14</sup>

On March 20, 1903, further changes were made and in addition to the requirement of registering the license it was also required that the applicant give his name, age, office address and number of his license:

<sup>9</sup>Cal. Stats. 1873-74: 186; 1880: 3.

<sup>10</sup>*Ibid.*, 1905: 182.

<sup>11</sup>Civil Code (1915), § 68, 69.

<sup>12</sup>Cal. Stats. 1875-76: 792.

<sup>13</sup>Cal. Stats. 1901: 56-64.

<sup>14</sup>Cal. Stats. 1885:110; 1893:70; 1901:561.

and in addition file an affidavit that he is the party mentioned in the license. The affidavits were also to be placed on file in a bound volume.<sup>15</sup>

**Register of Osteopaths.** On March 9, 1901, the State Board of Osteopathic Examiners was created with power to pass upon the qualifications of persons applying for osteopathic licenses. These licenses were to be recorded with the county clerk in similar manner to other medical licenses in a book known as the "Register of Osteopaths."<sup>16</sup> On March 14, 1907, the State Board of Medical Examiners was reorganized to include members of the Osteopathic Association and to them was given the power to grant licenses to osteopaths. The clerk was required to keep a record of all certificates filed with him. These are kept in the same volume known above as the "Register of Osteopaths."<sup>17</sup>

**Register of Optometrists.** On March 20, 1903, the California State Board of Examiners in Optometry was created. Certificates were to be granted by them to persons qualified to practice optometry. These were to be presented to the county clerk for record and placed in a record book provided especially for that purpose.<sup>18</sup>

**Register of Pharmacists.** The State Board of Pharmacy was created in 1891 but the law required no records of licenses to be kept other than those of the board itself.<sup>19</sup> Further changes in the act were made in 1893, and it was replaced by a new act in 1901 but none of these acts required the keeping of local records.<sup>20</sup> On the 26th of March, 1905, another act was passed covering the matter and this time it was provided that the county clerk keep a record of certificates granted by the state board, and notify that board that the certificate had been recorded, giving name and date of filing.<sup>21</sup>

#### NATURALIZATION.

The federal naturalization laws give jurisdiction over naturalization matters to state courts of record having a seal, a clerk and jurisdiction in actions in which the amount in controversy is unlimited. This includes the superior and higher courts.

The first naturalization law, passed March 26, 1790, provided a very simple procedure. Citizenship might be conferred by any common law court of record upon a hearing in which it should be shown that the applicant had been at least two years a resident in the United States.

<sup>15</sup>Cal. Stats. 1903:322.

<sup>16</sup>Cal. Stats. 1901:113.

<sup>17</sup>Cal. Stats. 1907:252.

<sup>18</sup>Cal. Stats. 1903:285; 1907:63, modified the act but not this part.

<sup>19</sup>Cal. Stats. 1891:86.

<sup>20</sup>Cal. Stats. 1893:68; 1901:299.

<sup>21</sup>Cal. Stats. 1905:539; another act without material change, 1907:766.

and upon his taking the required oath of allegiance, etc. No previous declaration of intention was necessary, but the clerk was required to record the application and proceedings thereon in the records of the court. No special record book seems to have been called for.<sup>22</sup>

The next law, passed January 29, 1795, made necessary the filing of a declaration of intention three years before the final application for admission, and also increased the residence requirement to five years. The same provisions were included for recording the proceedings as in the previous law.<sup>23</sup> From that time until 1906 the plan of naturalization remained much the same, though there were variations in detail and some special enactments at different times. So far as the records were concerned there were no material changes. While there was no specific requirement in the statutes for special record books, an examination of the records of the various courts shows that special books were, in actual practice, kept for the recording of declarations of intention, petitions and certificates, and for naturalization indexes of various kinds.<sup>24</sup>

A California state law passed in 1872 requires the clerk of the court to provide two books, in one of which he shall enter in alphabetical order the names of all persons who, from the organization of the court, have declared their intention to become citizens of the United States, together with the date of the declaration. In the other book he is required to enter in alphabetical order the names of all persons by that court admitted to citizenship in the United States, together with the name of the country of which each was before a citizen or subject; the date of admission and the page of the court record book containing the order admitting him.<sup>25</sup>

The present naturalization law, approved June 29, 1906, requires: (1) A declaration of intention, to be filed at least two years prior to admission; (2) A petition for naturalization, to be filed not less than two nor more than seven years after the declaration of intention, with this must also be filed a certificate of arrival, for all aliens coming to this country after June 29, 1906; (3) An examination of the alien by the clerk at the time the petition is presented and a final hearing, after notice, at which time the petition is either granted or rejected.

The blank forms for the declaration of intention, petition for naturalization and certificate of naturalization are furnished by the bureau at Washington. The permanent court records required by the law of 1906 are as follows: (1) The original declarations of intention, bound

<sup>22</sup>U. S. Stats. 1: 103.

<sup>23</sup>U. S. Stats. 1: 414.

<sup>24</sup>Fed. Stats. Annotated (see index); Rev. Stats., §§ 2165-2174.

<sup>25</sup>Cal. Stats. 1871-2: 86; Gen. Laws, 1915 (Deering), 1204.

in volumes and numbered consecutively from volume to volume, beginning with number one in volume one; (2) The petitions for naturalization bound and numbered in similar fashion, together with a record of final orders upon the petitions for naturalization, which in the forms provided by the bureau is kept upon the back of the petition; (3) The stubs of the certificates of naturalization.<sup>26</sup>

#### REGISTRATION.

Before the year 1866 no restrictions were placed upon prospective voters as is now done by the registration laws. This resulted in much confusion and frequent charges of corrupt practice whenever the elections were closely contested. The "Registry Act," so-called because it required the registration of all prospective voters, was approved March 19, 1866. By its terms the county clerk was required to provide suitable books to be known as the "Great Register" in which were to be recorded the names of all domiciled inhabitants of the county who were qualified electors and legal voters thereof.

The form of the record and the manner of registration were set forth in the law and provided that clear and distinct entries should be made setting forth in separate columns the name of the person in full; his age, the country of his nativity; his occupation and exact residence; and if a naturalized citizen, further data regarding his naturalization were required. These statements were then to be sworn to by the person registered and that fact stated in the record. A further column was provided for the record of the cancellation of the entry, the cause of the cancellation being stated by either of the words "dead," "removed," "insane" or "infamous." To assist the county clerk in the registration of the voters the county assessor was required to enroll and return to the clerk the names of all unregistered persons entitled to registration. He was authorized to administer the oath in the same manner as the clerk, and for his work received a stated remuneration.<sup>27</sup>

An amendment to the "Registry Act," which did not materially affect the manner of keeping of the records, was adopted in 1868,<sup>28</sup> but otherwise the original provisions were incorporated in the Political Code when it was adopted in 1872. At this time it was further provided that before the 5th of August, 1873, and every second year thereafter, each county clerk was to make out a copy of the uncanceled entries existing on the great register on the preceding first day of August. These names were to be arranged alphabetically according to surnames and numbered consecutively. These lists were then to be printed and copies distributed to each of the election precincts within the county and to certain other depositories and libraries or electors

<sup>26</sup>U. S. Stats. at Large, 31: 596 *et seq.*

<sup>27</sup>Cal. Stats. 1865-66: 288-301; 1899: 63.

<sup>28</sup>Cal. Stats. 1867-68: 647.

applying for them. The clerk was also required to file and preserve all affidavits returned to him by the assessor or used before him for the purpose of obtaining registration.<sup>29</sup>

By a statute of 1878 it was provided that all qualified voters should register anew in the counties of Fresno, Kern, Tulare, Stanislaus, Merced, Amador, Butte, Nevada and Siskiyou,<sup>30</sup> and other amendments provided that in other counties the board of supervisors should have the power to require the new registration of voters whenever in their opinion the conditions demanded it.<sup>31</sup>

In 1895 a more thorough change was made in the registration laws. The data required upon the affidavit made by the applicant was now extended to include the full name of the registered person; his business or occupation; his age, height, complexion, color of eyes and hair; place of residence (ward and precinct); time and place of naturalization, if naturalized; the date of entry; post office address; and whether or not the applicant was able to read the constitution in the English language, to write his own name; and whether or not he was prevented by any physical disability from marking his ballot.<sup>32</sup>

The clerk was now required to arrange the registration affidavits in precinct packages. At the end of the period of registration all these affidavits for the county were to be arranged alphabetically and the substance of them entered into separate precinct books.<sup>33</sup> From the data incorporated in these books printed copies of the great register were to be prepared either for the county as a whole or by precincts. In counties where it was not required that a new registration take place, supplemental registers were to be printed. These printed copies were then to be distributed among the officers, election boards, libraries, etc.<sup>34</sup>

Further amendments to the code in 1899 required that in all the counties of the state a new registration should be made on each even numbered year. At this time a few changes were also made in the data required on the registration affidavit: complexion, and color of eyes and hair were omitted; while on the other hand, the state in which one was born was now required as well as country of nativity.<sup>35</sup>

Within fifteen days after the close of the registration the affidavits were to be arranged for each precinct alphabetically, in order of surnames. These, both originals and duplicates, were then to be bound into books and a printed index prepared for each book, the index to show names, ages, addresses and numbers of the voters as they appear in the

<sup>29</sup>Pol. Code (1872), §§ 1094-1115.

<sup>30</sup>Cal. Stats. 1877-78: 693-94.

<sup>31</sup>Amend. Codes, 1877-78: 26-27; 1889: 121.

<sup>32</sup>Cal. Stats. 1895: 228; Pol. Code, § 1096.

<sup>33</sup>Cal. Stats. 1895: 230; Pol. Code, § 1113.

<sup>34</sup>Cal. Stats. 1895: 231-2; Pol. Code, § 1115.

<sup>35</sup>Cal. Stats. 1899: 60-61; Pol. Code, §§ 1094, 1096.

precinct books.<sup>36</sup> In 1903, section 1103 was further amended requiring that all affidavits of registration be preserved for at least five years from the date thereof, but that after the affidavits and duplicates had been preserved for that period they might, upon the order of the board of supervisors, be destroyed.<sup>37</sup>

The keeping of the great register was discontinued by an amendment to the code approved April 19, 1909, which specifies that these affidavits shall constitute the register required to be kept for the registration of voters, and that the person charged with the registration of voters shall not copy the facts shown by the affidavits as a part of his duties.<sup>38</sup> These affidavits must be preserved for five years, but after that time may be destroyed. An index to the registration affidavits, giving numbers, names, ages, occupations and addresses, was to be prepared within five days after the close of registration, and this was to be printed to the number of at least one hundred copies; a general index of all the precincts arranged alphabetically by precincts should then be made, one copy of which must be kept in the clerk's office for public reference.<sup>39</sup>

The adoption of woman's suffrage caused further changes to be made in the form of the registration affidavit. The amendment to the Political Code approved January 9, 1912, provides that the affidavit must show: the full name of the person; sex; occupation; height; country or state of nativity; exact place of residence; political affiliation, if any; place of naturalization, if naturalized; date and place of marriage and name of person to whom married, if citizenship was thereby acquired; the date of registration; post office address; and ability to read the constitution, etc., as in the earlier affidavits.<sup>40</sup>

The registration law as it now stands (1916) is not materially different from the early acts and amendments of which it is the natural outgrowth. It provides for the complete registration of voters in each even numbered year. The registration affidavits must be made in duplicate. The data required upon them, while not so full as under the earlier acts, is somewhat more explicit and requires that the affiant sign the affidavit with his or her accustomed signature. These affidavits themselves form the great register, the originals being arranged alphabetically by precincts and bound in this order, while the duplicates are filed in a strictly alphabetical manner without any regard to precincts. Indexes to the precinct books are prepared and printed, containing the numbers, names, occupations and addresses of the electors as they appear in the registration books. A general index of these books,

<sup>36</sup>Cal. Stats. 1899: 62; Pol. Code, §§ 1103, 1113-1116.

<sup>37</sup>Cal. Stats. 1903: 257.

<sup>38</sup>Cal. Stats. 1909: 1091; Pol. Code, § 1103.

<sup>39</sup>Pol. Code, § 1115.

<sup>40</sup>Cal. Stats. 1911 (extra session): 196.

arranged alphabetically by precincts, shall be bound and at least one copy kept in the office of the county clerk for public reference.<sup>41</sup>

**Poll Lists**, while not, strictly speaking, registration records, should be noted in this connection, as they constituted the only official record of voters between 1850 and 1866 and were kept as a sort of supplemental registration between 1866 and 1872. The act to regulate elections, approved March 23, 1850, required the county judge to furnish to each inspector of elections for each election two copies of a blank form containing one column headed "Names of voters" and one column headed "Numbers of votes," with proper captions and certificates. At the time of holding the election the name of each person voting was to be entered on these blanks together with the number. These poll lists were to be included with the election returns, one copy of which was to be preserved by the inspector for at least six months, and the other sent to the county clerk.<sup>42</sup>

The Registry act of 1866, elsewhere noted, did away with these earlier poll lists and provided for the preparation of poll lists before each election by a board of registration for each precinct. This board was to consist of one clerk and two judges to be elected or appointed to serve for a period of two years. The poll list was to be prepared during the ninety days preceding the election, and was to be completed on the thirtieth day preceding the election, after which it was to be sent to the county clerk who had it printed, together with the other poll lists for the county. Copies of the printed lists were then sent to each clerk of election, and a final revision was made by the board of registration in the three days preceding the election. The poll list was to be made up from the uncanceled names on preceding poll lists, from the great register and from the oral applications of those entitled to be enrolled as electors for the election. The list was to contain columns for the number, name, date, age, class (whether native or naturalized), occupation and address of each person enrolled, and a column in which the fact of his having voted or his vote having been rejected should be noted at the time of the election. These lists, constituting a record of those who voted, were also to be included with the election returns, as in the case of the earlier poll lists. Prior to July 1, 1867, registration in the great register was not a necessary prerequisite to enrollment on the poll list; after that date it was, except in the case of persons naturalized, becoming of age or coming into the county within thirty-five days preceding the election.<sup>43</sup>

The Political Code in 1872 abolished these poll lists. In a note the Code Commissioners say: "We have abolished the poll list, \* \* \*

<sup>41</sup>Pol. Code (1915), § 1694 *et seq.*

<sup>42</sup>Cal. Stats. 1850: 101 *et seq.*

<sup>43</sup>Cal. Stats. 1866: 288 *et seq.*



have made provision by which the great register will perform all the offices the poll lists were ever intended to perform. Experience has shown that the poll lists are prolific sources of fraud."<sup>41</sup>

#### ELECTIONS.

**Election Returns.** The act to regulate elections, approved March 23, 1850, provided that the election returns, consisting of the poll list and tallies, with a certificate attached thereto stating the number of votes each person received and the office to fill which such votes were cast, signed by the election officials, should be made up in duplicate, one set to be retained by the inspector and preserved for at least six months, the other set to be endorsed "Election Returns" and sent to the county clerk. The ballots were to be destroyed. The clerk was required, from the returns of the various precincts, to "estimate" the vote of the county and draw up and sign a statement of the same, containing the names of the offices voted for, the number of votes polled at each precinct by each candidate for the office, and the totals for the county, which statement was to be filed, together with the returns from each precinct, in the office of the court of sessions.<sup>42</sup> In 1855 the last phrase was amended to read "in the office of the county clerk."<sup>43</sup> In 1861 an important amendment was adopted providing that the returns should be canvassed by the board of supervisors and the detailed statement of the result entered by the clerk upon the records of the board.<sup>44</sup>

In 1863 the law was further amended by a requirement that the ballots, instead of being destroyed, should be strung on a thread or cord and enclosed with the returns sent to the county clerk. This enabled the board of supervisors to recount the ballots in case any elector so demanded. The ballots were to be kept by the clerk at least six months.<sup>45</sup> In the following year a record of challenges and oaths administered was required to be kept by the election officials and included with the election returns, but this law was repealed two years later.<sup>46</sup> In 1866 an amendment required the election board to keep, separate from the poll list, a list of voters, containing the names of all who voted, numbered consecutively on the left and with the poll list number placed to the right of each name. This list was to be included with the returns sent to the county clerk.<sup>47</sup>

In 1872 the election laws, with some amendments, were incorporated in the Political Code adopted that year. These changes were as follows: The ballots were to be sealed up in an envelope separate from

<sup>41</sup>Pol. Code (1872), § 1095 (note).

<sup>42</sup>Cal. Stats. 1850: 101 ff.

<sup>43</sup>Cal. Stats. 1855: 161.

<sup>44</sup>Cal. Stats. 1861: 529.

<sup>45</sup>Cal. Stats. 1863: 354.

<sup>46</sup>Cal. Stats. 1863-4: 468; 1865 6: 512.

<sup>47</sup>Cal. Stats. 1865 6: 511.

the other returns, but otherwise sent in as before, and to be kept, unopened, by the county clerk for twelve months and then, if not required by court actions, to be destroyed. The returns sent to the county clerk, under seal in charge of a member of the election board selected by lot, were to include the copy of the great register (which had now taken the place of the poll list) upon which the names of those voting had been marked, all certificates of registration received by the election board, the list of persons challenged, one copy of the list of voters and one copy of the tally list and list attached thereto. As soon as the returns were canvassed the clerk was required to take the copy of the register returned and file it in his office.<sup>51</sup>

These provisions have remained in the code and are the present law with reference to election returns, except as herein noted. In 1899 and 1901 amendments were adopted which require that the election board must post outside of the polling place a copy of the result of the votes cast, and transmit one copy of the same, unsealed, to the county clerk, to be kept open to public inspection.<sup>52</sup> In 1899 a provision was inserted that any person desiring to vote shall write his name and address (or if unable to do so, have it written for him) on a roster of voters provided for that purpose, and in 1905 a new section was added to the code which requires that the roster of voters shall be sealed up by the election board and sent, in the same manner as the other returns, to the county clerk, who shall open all the rosters of voters and keep them open for public inspection for one year.<sup>53</sup> In 1913 it was provided that the list of voters, tally list, etc., theretofore required to be retained by the inspector, shall be sent to the county clerk and by him kept open for public inspection for at least six months.<sup>54</sup>

**Certificates of Nomination and Nomination Papers.** These are temporary records and it is sufficient to consider them very briefly. Beginning with 1891 it is required that certificates of nomination made by conventions and nomination papers, including those filed for the purpose of getting the name of a candidate on either the primary or general election ballot, shall be filed, in the case of county offices, with the county clerk, who shall preserve them for two years and then destroy them.<sup>55</sup>

**Verification Deputies.** Under the Primary law, since 1909, signatures to nomination papers have been secured by what are known as "Verification Deputies." These are persons appointed by the candidate or the proponents of a candidate under the provisions of the law.

<sup>51</sup>Pol. Code (1872), §§ 1259-1282.

<sup>52</sup>Cal. Stats. 1899: 83; 1901: 5.

<sup>53</sup>Cal. Stats. 1899: 62; 1905: 633; Pol. Code (1915) §§ 1204, 1264a.

<sup>54</sup>Cal. Stats. 1913: 226.

<sup>55</sup>Cal. Stats. 1891: 165 ff; 1909: 691 ff; 1911: 769 ff; 1913: 1379 ff; 1915: 845.

The document by which such verification deputies are appointed shall be filed with the county clerk.<sup>56</sup>

**Record of Nominations.** The Primary Election law of 1911 contains a provision that the officer with whom nomination papers are filed shall keep a record in which he shall enter the names of all persons filing the same, the party, if any, and the time of filing. An amendment approved January 11, 1916, says that he shall enter the names of every person presenting nomination papers for filing, the name of the candidate, the title of the office, the party, if any, and the time of filing.<sup>57</sup>

**Record of Delegates Elected to Conventions.** In the general primary law of 1897 a section is included providing that the clerk must, in a proper book, record the names of all delegates elected to conventions, with certain data in reference thereto. In 1899 this provision was incorporated in the Political Code, but in 1901 was repealed.<sup>58</sup>

#### RECORDS RELATING TO PRIVATE BUSINESS.

**Articles of Incorporation.** All the laws regarding corporations have required the filing of the articles of incorporation, but before 1872 there was no uniformity as to the place where they should be filed.<sup>59</sup> In most cases they were to be filed in the office of the county clerk, but in some cases it was frequently required that a certified copy should also be filed in the office of the secretary of state; while in other cases the original articles were to be filed in the office of the secretary of state.<sup>60</sup> In a few cases the articles were to be filed in the office of the county recorder.<sup>61</sup>

In 1872 the corporation laws were codified in the Civil Code. It was provided that all articles of incorporation shall be filed in the office of the county clerk of the county where the business of the corporation is to be transacted and a copy filed in the office of the secretary of state.<sup>62</sup>

**Rural Cemetery Associations.** In 1859 a law was passed providing for the organization of such associations. The officers were required to file with the county clerk a certificate (similar to articles of incorporation), which certificate the clerk shall record "in a book appropriated to the recording of articles of incorporation."<sup>63</sup>

**Bond and Surety Companies.** In 1907 an amendment to the Political Code required the county clerk to keep as one of his records a

<sup>56</sup>Primary law, 1909, 1911, 1913, Sec. 5.

<sup>57</sup>Cal. Stats. 1911: 776; 1916 (extra session): 8.

<sup>58</sup>Cal. Stats. 1897: 115; 1899: 47; 1901: 606.

<sup>59</sup>Cal. Stats. 1850: 351, 365, 369, 371, 374; 1853: 87; 1855: 295; 1857: 75; 1859: 93; 1861: 84; 1862: 125; 1865: 6; 713.

<sup>60</sup>Cal. Stats. 1850: 353, 369, 375; 1851: 434.

<sup>61</sup>Cal. Stats. 1853: 171, 274; 1854: 237.

<sup>62</sup>Civil Code, § 296.

<sup>63</sup>Cal. Stats. 1859: 281.

volume to be labeled "Bond and Surety Companies," the pages of which must be divided into columns for entering the name of the corporation, name of state, territory or country under whose laws it is organized, date of the certificate to do business in this state, date of surrender, revocation, etc., of such certificate, date of new authority to do business.<sup>64</sup>

**Firms Under Fictitious Names.** The Civil Code in 1872 provided that on a change of membership in a firm continuing the use of a partnership name the person acquiring the right to use such partnership name must file with the county clerk a certificate stating the name of each person dealing under such name and the place of residence of each member. The clerk was required to keep a register in which he must enter in alphabetical order the name of every such partnership and of each partner therein.<sup>65</sup> In 1874 amendments to the code made these provisions more specific. It is required that every person or partnership doing business under a fictitious name must file with the county clerk a certificate stating the name and residence of each member. The clerk must keep a register in which must be entered in alphabetical order the name of every person doing business under a fictitious name and the name of every such partnership and of each partner thereof.<sup>66</sup>

#### RECORDS RELATING TO OTHER OFFICERS.

**Coroner's Inquests.** An act concerning coroners, passed April 19, 1850, required that after the holding of an inquest the "testimony of the witnesses examined \* \* \* shall be reduced to writing by the coroner \* \* \* and \* \* \* filed by him, with the inquisition [verdict of the jury], in the office of the clerk of the district court of the county." But if the person charged with the killing had been already arrested the coroner was to deliver this testimony and inquisition to the magistrate before whom the prisoner was brought, and the magistrate was required to return them to the clerk of the district court.<sup>67</sup> These provisions were incorporated in the Penal Code in 1872, with, however, the "county court" substituted for the "district court" in each case. In 1880 "superior court" was substituted for "county court" and in 1905 "county clerk" was substituted for "clerk of the superior court" in each section. Recognizances of witnesses, when taken by the coroner, were also required to be filed along with the testimony and verdict.<sup>68</sup>

**Federal Census Returns.** The act of March 23, 1850, which provided for the taking of the seventh and subsequent censuses of the

<sup>64</sup>Cal. Stats. 1907: 105; Pol. Code (1915), § 4178.

<sup>65</sup>Civ. Code (1872), §§ 2169, 2470.

<sup>66</sup>Code Amended, 1873-4: 253-4; Civ. Code (1915), §§ 2466-70.

<sup>67</sup>Cal. Stats. 1850: 265.

<sup>68</sup>Pen. Code (1872), §§ 1515, 1516; Code Amend. 1880: 35; Cal. Stats. 1905: 709.

United States required that "Each assistant shall, within one month after the time specified for the enumeration, furnish the original census returns to the clerk of the county court of their respective counties, and two copies, duly compared and corrected, to the marshal of the district."

This act applied to all the later censuses until that of 1880. For the census of 1860 there were no changes made in this act, as the only laws enacted regarding the taking of the census were in the appropriation acts. Before the census of 1870, an act was passed extending the time for making the reports, cancelling schedule two, and a few other minor details were changed, all of which is specifically made as amendments to the act of 1850.<sup>70</sup>

For the taking of the census of 1880 a new act was passed, section 6 of which provides:<sup>71</sup>

"Each enumerator is required immediately after the completion of the enumeration of the population of his district and before forwarding the same to his supervisor to make and file in the office of the clerk of the county court or board administering the affairs of the county to which his district belongs a list of the names with age, sex and color of all persons enumerated by him, which he shall certify to be true, etc."

The laws for all the later censuses have omitted this requirement.

**Humane Officers.** Section 607f of the Civil Code provides a method for the appointment of humane officers by bodies incorporated for the purpose of prevention of cruelty to animals, subject to the approval of the judge of the superior court. An amendment to this section, adopted in 1913, provides that the county clerk shall enter in a book called the "Record of Humane Officers," the name of every officer so appointed, the number of his badge, name of the corporation appointing him, and date of filing of the appointment.<sup>72</sup>

**Other Records.** Besides the records above enumerated, a number of others are frequently found, for whose presence in the clerk's office there seems to be no very specific statutory or code provision. Among the more important of these the following should be noted: Justice's dockets—for the earlier years there are frequently very interesting and valuable to the student of local history; reports of preliminary hearings in justice's courts—some offices have a large number of these; Notarial records; Coroner's registers; Public administrator's register, reports and account books.

<sup>70</sup>U. S. Stats., 31st Cong., 1st ses., Ch. XI (1859); 41st Cong., 2d ses., Ch. LX (1870).

<sup>71</sup>U. S. Stats., 46th Cong., 2d ses., Ch. LXVI (1880).

<sup>72</sup>Cal. Stats. 1913: 511; Civ. Code (1915), § 607f.

## MAP OF CALIFORNIA.

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### Showing the Counties whose Archives have been Examined.

The map accompanying this report is presented in order to show to what extent the California Historical Survey Commission has been able to prosecute its work of examining and listing the contents of the county archives. Forty-three county courthouses have now been examined and the contents of their offices reported in a manner similar to that shown in the sample reports herewith presented. The remaining counties will be examined during the next few weeks.

As soon as the work in the county archives is completed it is proposed to push forward the following lines of work, part of which have already been under way for some time: (1) A survey of the archives of local federal land offices and state offices; (2) compilation of a report regarding the files of local California newspapers; (3) the preparation of a report upon the records of ecclesiastical, fraternal and business organizations; (4) the listing of the contents of the larger public collections of local history materials; (5) the continuation of the work of discovering and reporting upon the great amount of historical material still in the hands of private parties.







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PART III.

SAMPLE ARCHIVE REPORTS.

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## INTRODUCTION.

The two sample reports which are here given as Part III of this preliminary report are merely given as illustrations of the nature of the information obtained and of the form in which the later report upon the county archives will be presented.

The report upon the archives of Humboldt County is given in full and may be taken as an illustration of a complete report upon the archives of one of the counties. The records of Humboldt County have been well preserved from the early years of the organization of that county and hence were chosen for this preliminary report. The report upon the archives of the Recorder of the City and County of San Francisco was chosen to illustrate the method of reporting upon records which antedate the formation of the state government. As will be noted, they are arranged chronologically rather than alphabetically, and are reported with more detailed description. The great loss incident to the fire of 1906 also makes the report upon the archives of San Francisco more valuable. The full report of the other offices of San Francisco will be given in the later report.

What is here given for Humboldt County and for the office of the Recorder of San Francisco is only a small part of the material now in the hands of the commission and could as well have been given for any of the following counties, which have also been examined and the contents of their archives listed: Alameda, Amador, Butte, Calaveras, Contra Costa, El Dorado, Fresno, Humboldt, Inyo, Kern, Kings, Klamath (now defunct), Lassen, Los Angeles, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Orange, Placer, Plumas, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Sonoma, Stanislaus, Tulare, Tuolumne, Ventura, and Yuba.

## HUMBOLDT COUNTY.

## INTRODUCTION.

The territory now within the limits of Humboldt County has, since the organization of the state, been a part of three counties and, for a short time, was loosely joined to a fourth. At the first division of the state into counties, in 1850, all that portion of the state north of  $40^{\circ}$  was roughly made into two counties, Trinity and Shasta, the summit of the Coast Range being given as the division line. Trinity being almost an unknown region, it was joined to Shasta for judicial purposes.

In 1851 Trinity County was organized independently for the first time, but by then the excitement in the Klamath mining region led to the division of its territory, the northern half being designated and organized as Klamath County. The county seat of Trinity County was fixed at Weaverville. The rapid settlement of the coast region made a further division of the territory desirable, and in 1853 the western portion of Trinity was cut off and formed into Humboldt County. In 1874-1875 the last important change in territory was made when a portion of the disorganized Klamath County was annexed to Humboldt.

The location of the county seat was the cause of much rivalry among the early towns. Uniontown (Arcata) was given the honor in 1853, but the contest continued until 1856, when by act of the legislature the county seat was placed at Eureka. A courthouse and other buildings were not erected until after the removal to Eureka, when a brick building was erected for that purpose, and is still used as a storehouse for some of the old records.

The present courthouse was built in 1886, and stands in the center of a block formerly used as a public plaza. It is constructed of brick and from without is little endangered from fire. The offices of the clerk, recorder and auditor are provided with metal book shelves and filing boxes, in the other offices the fixtures are nearly all of wood, and in them all a fire arising within the building could gain great headway. Some of the records of the clerk and recorder and all those of the treasurer are kept in safes or vaults, but with the exception of the latter office these are large enough for only a small part of the records. Electric lights and a furnace are used.

Most of the offices are now overcrowded and many of the records not in actual use are relegated to the attic or to the old courthouse, where dust, mice or other agencies may do their work of destruction. At the suggestion of the Historical Survey Commission, the grand jury of the county has recommended the construction of a hall of records for the better organization and preservation of the records.

## ARCHIVES OF THE CLERK.\*

## Court Records.

## DISTRICT COURT, 1853-1880.

Calendar, 1853-1879, 2 v. (A-B).

Execution book, 1865-1879, 1 v.

File, 1853-1879, 61 f.b., cases 1 to 1418; Tax suits, 1 f.b.

Grand Jury lists and reports, 1853-1867, 2 large p.b. in the old courthouse; Record of drawings, 1859-1877, 1 v.

Index, 1864-1880, 2 v., defendants and plaintiffs.

Insane, order of commitments, 1877-?, 8 f.b.

Judgment book, 1853-1880, 5 v. (A-E).

Vol. A also contains entries for county court, 1860-1873.

Judgment docket, 1853-1880, 1 v. (A).

Entries before 1868 are copied from an earlier book.

Jury book, 1873, 1 v., in the attic.

Minutes, 1853-1879, 6 v. (A-F).

Register of Actions, 1853-1879, 5 v. (A-E); Index, 1 v.; Delinquent taxes, 1865-1867, 1 v.

Tax decree book, Sept., 1866-Aug., 1867, 1 v.

Witnesses and Jurors in district and county court, list of, 1866-1872, 1 v.

## COUNTY COURT, 1853-1880.

Calendar, 1853-1868, 1 v. (1).

File, 1853-1879, 20 f.b., cases 1-466.

Judges' fees, county court and insolvents, 1853-1857, 1 v.

Judgment book, 1860-1873, see under district court.

Minutes, 1853-1879, 2 v. (A-B).

Vol. B also contains minutes of court of sessions, 1861-63.

Register of Actions, 1853-1879, 2 v. (A-B).

Witnesses and Jurors, 1866-1873, see under district court.

## COURT OF SESSIONS, CRIMINAL, 1853-1865.

Calendar, 1853-1859, 1 v.

Minutes, 1853-1861, 1 v.; 1861-1863, see under county court.

Minutes, B.

Register of Actions, 1853-1865, 1 v.

## SUPERIOR COURT, 1880-date.

Attorneys, roll of, 1853-1906, 1 v.

Calendar, 1880-1898, 4 v. (1-4).

Execution, 1885-1897, 1 v.

Exhibits: maps, diagrams, pictures and various articles, some of which are historically interesting.

Feeble-minded persons, commitment of, 1 f.b.

\*The following abbreviations are here employed:

bdl., for bundle;

cert. copy, for certified copy;

f.b., for filing box;

p. or pp., for page or pages;

p.b., for pigeon hole;

v., for volume.

File, 1880–date, 200 f.b., cases 1–7381; Proferts in matter of claims to state lands, 1883–date, 1 f.b.; Writs of habeas corpus, 1873–date, 3 f.b.

Grand Jury reports and court charges, 1890–date, 2 f.b.

Index, general, plaintiffs, 1880–date, 2 v. (1–2); Index to decisions, 1887–1904, 1 v.

Insane Persons, record of orders, 1881–1897, 2 v. (1–2); Index, 1881–1897, 1 v.; Record of commitments, 1897–date, 5 v. (1–5), 1 f.b.; Certificates of discharge, 1903–date, 1 v., 1 f.b.

Judgment book, 1880–date, 7 v. (1–7).

Judgment docket, 1880–date, 4 v. (1–4).

Jury book, 1881–date, 4 v. (1–4); Receipts for jury fees, Civil, 1897–1910, 1 v.; Jury lists, 1907–date, 3 f.b.

Ledger, civil action, 1 v.

Minutes and Orders, 1880–date, 25 v. (1–25); Dept. 2, 1895–date, 10 v. (1–10); Miscellaneous orders of superior court in bank, 1 f.b.; Rough minutes, 48 books in the main office with many others in the attic.

Receipts, stub books of civil, 1891–1901, 1 v.

Register of Actions, 1880–date, 17 v. (1–17); one vol. criminal, 1892–1911, in attic.

Reporter's Notes, large quantity in old courthouse.

Transcripts of Evidence, large number of books in attic and old courthouse.

#### SUPERIOR COURT, PROBATE, AND OLD PROBATE COURT, 1853–date.

Calendar, 1856–1859, 1 v.

Collateral Inheritance Tax record, 1905–1909, 3 v.

Executors and Administrators, 1858–1859, 1 v.

File, 1853–1879, 24 f.b. by letter; 1880–date, 153 f.b.

Ledger, 1908–1912, 1 v.

Letters of Guardianship and Bonds, 1862–1879, 1 v.; 1880–date, 4 v. (1–4).

Letters Testamentary, Administration and Bonds, 1861–1879, 2 v. (1–2); 1880–date, 8 v. (1–8).

Minors, adoption of, 1 f.b.

Minutes ("Record") of the court, 1853–1879, 6 v. (A–F); Dept. 1, 1880–date, 20 v. (1–20); Dept. 2, 1896–date, 8 v. (1–8).

Index, 1 v.

Register of Actions, 1853–1879, 2 v. (A–B); 1880–date, 7 v. (1–7).

Wills, 1855–date, 5 v. (A–E).

#### SUPERIOR COURT JUVENILE, 1905–date.

File, 1906–date, 4 f.b.

Minutes and Orders, 1909–date, 2 v. (1–2).

Register of Actions, 1905–date, 2 v. (1–2).

#### Supervisors' Records.

Allowance books, 1885–date, 8 v. (1–8); Index, 6 v.; Claims allowed, 1911–date, 19 f.b.; Claims rejected, 1 f.b.; Orders on county treasury, 1 f.b.

Boundary between Humboldt and Klamath counties, field notes, August, 1872, one pocket note book.

- Boundaries of Townships, precincts, road districts, etc., recent, 1 v.; Index to, 1886, 1 small book.
- Burial of Ex-Union Soldiers and Marines, 1889–date, 1 v.
- Communications received and sent, 1855–1859, several p.b. in the attic; 1865–1875, large amount in old courthouse; State officers, 1 f.b.; District attorney, 1 f.b.; Miscellaneous, 1874–date, 2 f.b.
- Election Precincts and Officers, petitions regarding, 1869–date, 1 f.b.
- Equalization, Minutes of Board of, 1872–date, 1 v.; File of, 1858–date, 3 f.b.
- Erroneous Assessments, petition for cancellation, 1 f.b.
- Franchise book, 1853–date, 1 v.
- Hospital record, 1 v.; Miscellaneous papers relating to, 1863–date, 2 f.b.; Bids for supplies, 1 f.b.
- Indigents, record of, 1886–1903, 1 v., used only for half-orphans; Indigent affidavits, 1 f.b.
- Minutes of Court of Sessions, county business, 1853–1855, 1 v. (A); Minutes of supervisors, 1855–date, 15 v. (A–O); Index 2 v. (1–2).

These records are most useful to the historical worker as they contain information regarding the formation of school and road districts, election districts and the canvass of the returns, etc.

- Ordinance book, 1883–date, 1 v. (1); Ordinances, 1 f.b.
- Orphans on State Aid, 1904–date, 1 v.
- Reclamation districts, 1 f.b.
- Road record, 1870–1874, 1 v.; 1887, 1 v.
- Road register, 1883–date, 1 v.; Index to road book and register, 1 v.
- Roads, bridges, etc.; Bids, 1872–date, 5 f.b.; Claims for damages, 1874–date, 1 f.b.; Petitions, 1852–date, 8 f.b.; Specifications, 4 f.b.; Reports of commissioners, 1862–date, 2 f.b.; Rights of way, deeds, 3 f.b.; Ferries, 2 f.b.
- Road Overseers' Accounts, 1855–1869, 4 v.; 1887–1888, 1 v.
- Road Survey Field Notes, 70 small pocket note books.

Nine of these are for the coast road to Mendocino; ten, for the Blocksburg road; and one for the Loud survey, 1868; the others are miscellaneous.

- Road Tax Lists and Reports, 1856–1868, in the old courthouse; Assessment lists by districts, 1861, 7 books by townships; 1862–63, several books; 7 books without date.
- School District Papers and Records; Assessment roll, Eureka district, 1867, 1 v.; School bonds, 1 f.b.; Petitions, 1859–1889, 1915, 2 f.b.; Miscellaneous papers, 4 f.b.
- Supervisors' Miscellaneous Papers; Papers of court of sessions, 1 f.b.; Bids, 1 f.b.; Bonds, 1855–date, 1 f.b.; Courthouse, 1 f.b.; Inventories, 1907–date, 1 f.b.; Petitions, 1862–1894, 6 f.b.; Waterworks, 1 f.b.; Taxes, 3 f.b.; Miscellaneous, 4 f.b.

#### Miscellaneous Records.

#### OFFICE ROUTINE AND GENERAL DUTIES.

- Appointments, 1 f.b.; Registration clerks, 1 f.b.
- Cash book, 1906–1910, 1 v.
- Certificates and Proclamations from Secretary of State, 1911–date, 1 f.b.

Fee book, 1878-1883, 1 v.; 1897-date, 2 v. (3-4).

License Account and Salary of Judge and District Attorney, 1868-1872, 1 v.

Licenses, Register of hunting, 1907-1908, 1 v.

Military Lists, 1854, 1861-1867, small pocket note books; 1868-1898, in old courthouse; 1 f.b.

Monthly Balances, 1900-date, 1 f.b.; Monthly reports, 1886-date, 1 f.b.

#### NATURALIZATION.

Declarations of Intention: District court, 1853-1880, 5 v. (A-E);

Superior court, 1880-1906, 7 v. (1-7); Index, 1853-1906, 2 v.

Declarations of Intention, record of, 1906-date, 3 v. (1-3).

Naturalization, acts of, district court, 1869-1879, 1 v. (C); County court, 1869-1880, 2 v.

Naturalization, record of, superior court, 1880-1906, 6 v. (1-6).

Naturalization Petition and Record, 1906-date, 4 v. (1-4).

Naturalized Citizens Index, 1853-1906, 2 v. (1-2).

#### REGISTRATION.

Affidavits of Registration, 1900-1902, in attic; 1904-1908, in old courthouse; 1910-date, bound by precincts.

Assessor's Returns to County Clerk, 1866-1867, roll of large sheets in the old courthouse.

Cancelled on Great Register, list of names, 1866-1875, 1 v., in the recorder's office.

Great Register, 1866-1909, 20 v.; 1910-date, the affidavits themselves are bound as the register.

Great Register, list of names entered, 1868-1899, 5 v.

Great Registers of other counties, 1869-1888, 164 in number, in attic and old courthouse.

#### ELECTIONS.

Affidavits relating to, 1 f.b.

Boards of Election, 1869, 1 pocket note book.

Candidates' Statements, 5 f.b.; Verification statements, 2 f.b.

Certificates of Election, 1857, 1 v.; 1865-1888, 1 p.h. in the old courthouse; 1890-date, 1 f.b.

Certificates of Nomination, 1892, 1 p.h. in old courthouse; 1898-1900, 1 f.b.

Challenge List and Returns, 1914.

Election Returns, original, 1853-1872, in old courthouse.

This material contains some very interesting documents, as all the returns sent in from the precincts for these years have been preserved. Probably the most interesting are the papers relating to the county seat elections in 1854, for among these may be found the original poll list of Angel's Ranch, a very small precinct, which reported 2,136 votes for one of the rival towns.

Poll Lists, 1868, 1869, 1871, in the old courthouse.

Papers relating to elections, 3 f.b.

Primary Election Officers, record of, 1898, 1 v.



Roster of Voters, 1908, in old courthouse.  
Tally Sheet of Canvass by Supervisors, 1890.

#### MARRIAGE AND PUBLIC HEALTH.

Marriage License Affidavits, 1872-1909, 14 f.b., in old courthouse;  
1910-date, 3 v. (1-3); Recorder's statements, 1906-date, 1 f.b.  
Dental Certificates, register of, 1885-1903, 1 v.; Register of  
dentists, 1903-date, 1 v.  
Medical Certificates, record of, 1876-date, 2 v. (1-2).  
Optometrists, registered, 1903-date, 1 v.  
Osteopathists, register of, 1903-date, 1 v.  
Pharmacists, register of, 1905-date, 1 v.

#### PERTAINING TO PRIVATE BUSINESS CONCERNS.

Articles of Incorporation, 1853-date, 14 f.b.; Index, 1 v.  
Banking Certificates, 1 f.b.  
Bonds of Corporations, record of official, 1868-1875, 1 v. (B).  
Bond and Surety Companies, record of, 1 v.  
Certificates of Insurance, 2 f.b.  
Partnerships, register of, 1874-date, 1 v. (1); Certificates of, 1 f.b.  
Private Account Books:

Eureka Restaurant, 1853-1856, 5 books.

In one of these the entries show that during April, 1854, this restaurant  
purchased \$243.60 of elk meat.

Hull & Monroe, butcher and produce business, 1860-1861, 3 v.  
Eureka Bakery, Chas. Wiggins, 1875-1877, 2 v.  
Southmayd, Ledger of, butcher business, 1877, 1 v.  
Biggs, S. F., ledger of, liquors, 1883-1887, 2 v.  
Mary Blaine Mine, 1884, set of four books.  
Rural Cemetery Associations, record of, 1909-date, 1 v.; Incorporation of, 1 f.b.  
Sole Traders Applications, 1871-date, 1 v.

#### RELATING TO OTHER OFFICERS.

Auditor's Reports and Statements, 1 f.b.  
Bonds, official, 1853-1894, 4 p.h. in old courthouse.  
Coroner's Inquests, 1859-date, 22 f.b.  
Coroner's Register, 1893-date, 1 v. (1).  
Horticultural Commissioner's Reports, 1 f.b.  
Justice's of Peace Dockets, Eureka township, 1861-1870, 1872-  
1876, 7 v.; Bucksport township, 1853-1879, 1 v.; Tax suit docket,  
1862, 1 v.  
Justice Court Papers: Civil, 1 f.b.; Criminal, 2 f.b.  
Miscellaneous Reports, 1859-date, 2 f.b.  
Notaries, register of, 1888-date, 1 v.  
Notarial Records, 1905-1913, 10 v.  
Oaths of Office, 1 f.b.  
Public Administrator, register of, 1883-date, 2 v. (1-2); Account  
book of public administrator, 1889-1892, 1 v.; Semiannual  
reports, 1908-date, 1 f.b.

Treasurer's Reports, 1900–date, 1 f.b.

United States Census Enumerators' Field Notes, 1870, 1 bdl. in old courthouse.

These are the original notes of the census marshal and are most valuable in giving the data from which the reports were compiled as the names of each individual is given with the data as obtained.

United States Census, 1880, list of persons residing within districts, 24 books, in the recorder's office.

These contain merely a list of the inhabitants with no further data as given in the earlier census.

#### ARCHIVES OF THE RECORDER.

Architects, record of, 1901–1906, 1 v.

Assignments of Mortgages and Leases, index to, 2 v.

Attachments, record of, 1855–date, 5 v. (1, B–E); Index, 1 v.

Banking Assets, statements of, 1876–1893, 1 v.; 1 f.b.

Semiannual report of financial condition of banks.

Bankruptcy and Insolvency Papers, 1 f.b.

Births, register of, 1856–1859, 1 v.; 1873–1902, 1 v.; 1902–date.

Building Contracts, etc., mostly recent, 12 p.h. in map case; 1 f.b.

Certificates of Sale under Execution, 1853–date, 4 v. (A, 1–3); Index, 1 v.

Deaths, register of, 1873–1880, 1889–1898, 1 v., incomplete; Record of, 1905–date, 3 v. (1–3); 1 f.b.

Decrees of Distribution, index to, 1874–date, 1 v.

Decrees are recorded in deed books.

Deeds, 1854–date, 158 v. (A–Z, 1–132), volume "A" is entitled "Record of town lots of Humboldt Co.," 1860–1865; "B" begins with July 29, 1854. In addition to these volumes is another, "Green Book, Deeds, City of Eureka," containing entries for 1850.

Election Expenses, candidates' statements, 1894–date, 5 v. (1–5); Candidates' statements, primary elections, 1912–date, 2 v. (2–3); indexed; Committees' statements, 1894–date, 2 v. (1–2).

Estray book, 1861–date, 1 v.

Fee book, 1873–74, 1 v. in attic; 1883–date, 16 v.; also an "Account Book of County Recorder," 1876–1877, containing record of fees, had formerly been used as a farmers' journal.

Homesteads, register of, 1860–date, 7 v. (1–7); Index, 1 v.

Indian Indentures, 1860–1862, 1 bdl. of 105 documents in the old courthouse.

Land Claims, swamp and overflowed lands, 1853–date, 1 v.; Index, 1 v.

Leases, 1907–date, 2 v. (1–2); Index, 1863–date, 2 v.

Lis Pendens, 1855–date, 5 v. (A–E); Index, 1 v.

Maps and Plats: Map books, 11 large volumes; Index, 1 v.; Maps of surveys, 1891–date, 6 v. (1–6) Index, 1 v.; Block books of Eureka, 1861, 1862, 1866, Eureka and Arcata, 1863, 1864, 1865; also a few undated volumes.

Maps—Mounted: Trinidad, 1871; Eureka, 1888, 1901; Humboldt Co., 1898.

Maps—Miscellaneous unmounted and unbound, about a dozen.

Many of these maps are very interesting, *e. g.*, Map of Humboldt City, 1850; Map of Hoektown; Eureka waterfront, 1870, and many road survey maps.

Marks and Brands, 1853—date, 3 v. (A-C); 2 boxes of brands burned on leather.

Book A begins with the brand of John Kneeland, originally filed in Trinity County; Book B is more detailed, giving record of transfer of brands of cattle and also contains brands for butter.

Marriage Register, 1859-1866, 1873, 2 v.; Record of marriages, 1854-1858, is in "Sole Traders Declarations," pp. 1-31.

Marriage Certificates and Licenses, 1873—date, 15 v. (C-Q); Index, 1864-1872, 1 v. (A), also contains record of one license as well; 1873—date, 6 v. (B-D).

Mechanics' Liens, 1854—date, 4 v. (A-D).

Mining Claims and Water Rights, 1874—date, 5 v. (1-5); another volume, 1874-1890, copied into v. 1; Index, 2 v.

Miscellany, 1853—date, 5 v. (A-E); Index, 1 v. (1); also another, "County Records of Humboldt County, Bk. A," 1853-1854.

As the title implies, this set of records contains many kinds of documents, some of unusual interest, viz., the agreements of the various speculation companies which took up the lands on the bay in 1870; the Bucksport Land Claim Association; the articles of the Humboldt Lumber Manufacturing Co., 1854, etc.

Mortgages, 1859—date, 100 v. (A-Z, 1-74); Index, 12 v. (1-6).

Mortgages—Chattel, 1866—date, 14 v. (A-N); Index, 2 v. (1).

National Guard of California, register of 10th Bat. of Inf., 1879.

Newspaper Files, in the office of the County Clerk, except as noted below:

*Humboldt Times* (Weekly), July 14, 1860-Dec., 1897, 28 v. Files appear complete between these dates except vols. 9, 20, 24, 25, 27, 30, 33, 36, and 37.

*Northern Independent*, July 22, 1869-July 13, 1871, 2 v.

*Telephone Weekly*, Dec., 1881-Dec., 1882, 1 v.

*Times-Telephone*, 1884-1885, 2 v. (30-31).

*West Coast Signal*, Feb., 1871-Feb., 1874, 3 v. (1-3).

*Sacramento Reporter*, 1870-1872, unbound, in the old courthouse.

Official Bonds, record of, 1853—date, 8 v. (A-H); Index, 2 v.

Vols. A and B are entitled, "Records of the Co. Clerk."

Oyster Beds, record of, 1893—date, 1 v.

Patents, record of, 1860—date, 21 v. (1-21); Index, 2 v.

Powers of Attorney, 1853—date, 6 v. (A-F); Index, 1851—date, 2 v.

Releases and Satisfaction of Mortgages, 1907—date, 3 v.; Index, 1888—date, 4 v. (1-2).

Redemption, certificates of, 1 f.b.

School Land Warrants, record of, 1858-1862, 1 v. in clerk's office.

Separate Property of Married Women, 1864—date, 1 v. (A).

Sole Traders, 1859-1892, 1 v. (No. 1).

Pages 1-31 of this book contain record of marriages, 1854-58.

(Special) Partnership Record, 1873—date, 1 v. (1), indexed.

Stallion Register, "Propagation License Certificates," 1912-date, 1 v.  
 Survey of Boundary between Mendocino, Humboldt and Trinity  
 counties, 1891, 1 v.

This consists of 54 typewritten pages, describing the country crossed by  
 the surveyors, incidentally giving much information regarding the con-  
 dition of the country, settlements, etc.

Surveyors, register of licensed, 1891-date, 1 v.

Tax Deeds, 1875-date, 7 v. (1-7) ; Index by grantors, 1 v.

Transcripts of Judgments, 1 v.

Transcripts from the judgment docket, showing liens against real property.

Transcripts of Judgments Rendered by Justices of Peace, 1855-1882,  
 1 v., indexed.

"Trinity County, Cal., Record Book, No. 1," Aug. 1850-Mar. 1851, 1 v.

Most of the entries are deeds to lands around Humboldt Bay ; it also  
 contained, unbound, a number of sheets or pages of preemption claims.

Trust Deeds, 1911-date, 2 v. (1-2).

"Union, Record Book of the Town of," 1851-1853.

The first entry in this book contains the poll list and the results of an  
 election held at Uniontown April 1, 1851, at which time 110 votes  
 were cast. The last entry is dated Oct. 5, 1853.

Wills, record of, 1880-date, 1 v. ; Index, 1854-1873 ; 1883-date, 2 v.

#### ARCHIVES OF THE SUPERINTENDENT OF SCHOOLS.

Annual Report of the condition of the common schools of Humboldt  
 County, 1871-date, 10 v.

These are reports sent to the Superintendent of Public Instruction and  
 consist of about 24 pages each. They are later bound in groups of  
 three years each and kept on file. Among other things they contain  
 the names of private schools in the county ; census statistics ; school  
 and financial statistics ; a statement of school property (the earlier  
 reports give even the location of the schoolhouse) ; miscellaneous  
 statistics ; certificates granted ; etc. The later forms are somewhat  
 different but of the same general nature.

Apportionment of Funds, 1893-1899, 1 bdl. in old courthouse.

Applications for certificates, life diplomas, etc., 1 f.b.

Auditor, communications from the, 1887-date, 1 drawer.

Board of Education, record of, 1880-date, 2 v.

Census Marshal's Field Notes, 1891 ; 1909, in old courthouse ; 1910.

Give name, age, etc., of each child in the school district and county.

Census reports, 1882-1884, 1886-1888, 1899-1901, 1903, in old court-  
 house ; 1905-1910, 7 f.b.

These are abstracts from the field notes giving the names of the parents  
 with the number of children between 5 and 17.

Certificate Books :

High school certificates, 1891-date, 5 v. ;

Grammar-grade on credentials, 1887-date, 5 v. (2-6) ;

Grammar-grade on examination, 1887-date, 4 v. (2-5) ;

Second-grade, 1880-1893, 1 v. ;

Primary, 1887-1901, 4 v. ;

Special, 1891-date, 5 v. ;

Other books containing a few temporary and other certificates of scattering dates.

County Superintendent of Schools, record of accounts of, 1897-date, 16 v.

These follow the school district accounts and are practically the same in form. The accounts are arranged by districts showing the amounts drawn out and the balance.

Course of Study in Humboldt County Schools, 1888, 1892, 1895-96, 1897-98, several printed copies.

District Clerks, communications from, 1 file.

These are filed in a cabinet under the names of the various districts.

District Clerk's Papers, 3 p.h. in old courthouse.

Life diplomas, recommendations for, 1889-date.

These are the stubs of recommendations made to the State Superintendent. They are divided into two classes—first grade and grammar grade.

Maps of Humboldt County, 1886 (Forbes) ; 1893 (Lentell).

Official maps; both have much early information; used to show the school districts.

Miscellaneous Papers, 4 p.h. in old courthouse.

Requisition Stubs, 1891-date.

Stub book of orders on the treasury and correspond with the record in the school district accounts, etc. Arranged by years and districts.

School District Accounts, 1871-1897, 6 v.

Same series as the Record of Accounts of the County Superintendent.

School Districts, boundaries and description of, 1885, 1 v., (printed).

School District Ledger; General expenses, 1864-1871, 1 v.; Building fund, 1867-1871, 1 v.; both in old courthouse.

School Districts, maps of, 3 maps.

The first is an old hand-ruled map undated; another on the Lentell map of 1893 and a larger one for the present time.

Superintendent of Public Instruction, communication from, 1905-date, 1 drawer in the filing cabinet.

Superintendent's Requisitions, register of, 1889-date, 5 v.

Teacher's Contracts, current, 1 f.b.

Teachers, notices of employment of, current, 2 f.b.

Teachers' Reports, 1877-date, 1 v.

Trustees, oaths of office of, 1 p.h. in old courthouse.

Trustees, register of school, 1886-1890, 1910-date, 2 v.

Trustees, certificates of election, 1906-date, 4 f.b.

Trustees' Reports, 2 p.h. in old courthouse.

Warrants, register of School, 1873-1889, 2 v.; Stub books, 175 in old courthouse.

## ARCHIVES OF THE AUDITOR.

- Assessment Rolls: "Tax List," 1853-1854, 1 v. in attic; "List of Taxable Inhabitants," 1854, 1 v. in the clerk's office; "Assessment Roll and Military Tax," 1855, 1 v., in the clerk's office; Assessment rolls, 1855, 1866, 1877, 3 v., also in the clerk's office; 1860, 1862-date, 85 v.; Index to assessment rolls, 1881-1890, in attic; 50 v. in main office.
- Assessment Rolls, delinquent, 1872-date, 43 v.; "List of Property Tax Unpaid," 1858-1860, 3 v., in clerk's office.
- Assessment Rolls, duplicate, 1872-1884, 26 v., in attic; 1864, 1 v., in clerk's office.
- Assessment Roll, personal property, 1896-date, 19 v.
- Auditor's Account Books: 1872, 1 v. in clerk's office; 1883-1891, 2 v.; Accounts with sheriff and assessor, 1853-1858, 1 v., in clerk's office; Accounts with treasurer, 1858-1868, 1 v., also in the clerk's office.
- Auditor's Ledger, 1859-1875, 2 v. (A-B); 1880-1887, 1 v. (D).
- Auditor's Register of Accounts, 1870-1880, 2 v. (A-B) in clerk's office.
- Cash Book, 1897-1905, 1 v., in clerk's office.
- Certificates Filed and Warrants Drawn, 1853-1859, 1 v. in attic; 1859-1871, 1 v. in clerk's office.
- Dependents Outside Institutions, abstract of, 1913-date, 1 v.
- File of Miscellaneous papers, bills, etc., 70 f.b.
- Financial Statements of County Officers, 20 f.b.
- Indigent Account, 1896-1908, 1 v.; Monthly allowance record, 1907-date, 1 v.
- Land Payments, record of, 1885-1906, 1 v.
- Licenses, 1889-date, 2 v. (1-2); Licenses issued, 1883-1897, 3 v. (2-4), in attic.
- Licenses Received from State Controller, 1855-1860, 1 v. in clerk's office.
- License Tax Collector's Reports, 1878-1899, 1 v. in old courthouse.
- Miscellaneous Papers; old warrants, accounts allowed, tax receipts, etc., 17 boxes in old courthouse.
- Orphans' Claim Record, 1907-date, 2 v.
- Orphans and Half-Orphans on State Aid, 1907-date, 2 v.
- Poll and Military Tax Lists, 1883-date, 32 v.
- Receipts, 1858-?, one large p.h. in old courthouse; Orders and receipts, stub book, 1888-1890, also in old courthouse.
- Reports, 1854-1892, one large p.h. in old courthouse; 1870-1875, 1 v., in attic.
- School District Accounts, 1880-1898, 3 v.; School ledger, 1899-date, 2 v.
- School District Assessment Rolls, 1871-1873, 2 v.
- School Land Warrants, index to, 1853-1856, 1 v.
- School Warrants, register of, 1908-date, 2 v.; Cancelled warrants, 1908-1911, 10 bdl. in old courthouse; 1912-date, several bdl.
- Sheriff's Fee Book, 1897-1901, 3 v. (2-4).
- Swamp Lands, record of receipts on, 1858-1863, 1 v., in the clerk's office.
- Tax Sales, certificates of, 1885-1892, 3 large p.h. in the old courthouse.
- Tax Sales, record of, 1872-1910, 20 v. (1-20); Index, 2 v.
- Tax Collector's Receipts from Licenses, 1875-1881, 1 v. in the clerk's office.
- Treasurer in Account with the Auditor, 1853-1856, in the clerk's office in a book, "Certificates of Election," 1-20.

Treasurer's cash book, 1860-1893, 8 v. (A-II) ; 1896-date, 7 v. (1-7).  
 Treasurer's reports, 1859-1888, 1866-1870, 1899-1905, 3 v. in the old courthouse.

Warrants, register of, 1 v. (A) ; 1871-1874, 1909-date, 7 v. (B, D, J-N).  
 Warrants redeemed, 1853-1858, 1 v. in clerk's office; Stub books, 1904-date, about 20 v.; Stub books of court warrants, about 30 in old courthouse.

#### ARCHIVES OF THE TREASURER.

Account book, general, 1853-1856, 1 v.; Miscellaneous accounts, 1890-date, 1 v.  
 Apportionment of Funds, 1899-date, file.  
 Bonds of Humboldt County, record of, 1893, 1 v.  
 Cash Book, 1859-1895, 21 v. in old series; 1895-1908, 8 v. (A-II) ; 1908-date, 4 v. (1-4).  
 Day Book, 1853-date, 10 v. (1-10).  
 Depository Register, 1910-date, 1 v.

A record of county money deposited in banks.

Inheritance Tax Receipts, 1897-date, 4 v., stub books.  
 Ledger, 1853-1856, 1 v. (1) ; 1867-date, 6 v. (A-F').  
 License and Poll Tax Accounts, 1868-1885, 1 v.  
 Miscellaneous papers, one drawer.

These consist of auditor's receipts; cancelled bonds; school apportionments, 1868-1890; rates of taxation, 1867-1882; Report of Klamath County Commissioners; etc.

Public School Teachers' Permanent Fund Record, 1914-date, 1 v.  
 Road Warrant Register, 1876-1909, 5 v., scattering.  
 School District Accounts, 1874-1891, 4 v. (A-D) ; Transfers ordered by supervisors and superintendent of schools, 1886-date, filed.  
 School Warrants, 1889-1894, 1 v.; 1909, 1 v. (F').  
 State Lands, Record of, 1858-1867, 1 v.

This gives the number of the location, name of the purchaser, class of land (school, swamp and overflowed, etc.), township and section, number of acres, date of location, and record of payments.

Warrants Registered, 1858-1874, 2 v.; 1874-1891, 4 v. (B-E) ; 1891-1911, 8 v. (A-II).

#### ARCHIVES OF THE ASSESSOR.

Assessment Statements, 1859-1899, 333 large p.h. in the old courthouse; 1900-date, in p.h. in main office.

These are the signed statements of the property owners, arranged by townships and years.

Lands Sold in Humboldt County, abstract of, 1871-1888, on large unbound sheets in the old courthouse.

These lists show whether the land was sold under the law governing cash sales, homesteads, preemptions, swamp and overflowed lands, etc. They also give name of purchaser, section and township, and acreage.

Mortgages, abstract of, 1871-1883, 1 v.; 1880, 1882, 2 v. in the recorder's office; 25 other vols. in the old courthouse.

Mortgages, record of, 1888-1910, 1 v.

Poll Tax Books, 1910-1914, several books; there are also about 130 of these books in the old courthouse and some in the attic; Receipt books, several in the attic; Stub-books, for several years.

Poll Tax Lists, 1864-1870, 1875, 8 v. in the old courthouse.

These are alphabetical lists of persons who have paid their poll tax.

Real Estate Record, n.d., 1 v., in clerk's office.

Shows alphabetical list of land owners with location of their lands.

State Land Office, returns from, 1875-date.

These are on large sheets, giving the name of the purchaser with a description of the land. Before 1902 they are in a large roll; since then, folded by years.

Transfer book, 1881-1884, 1886, 1888-date, annual volumes.

United States Land Office, "Record of Final Proofs," 1903-date.

Taken from the record of patents in the land office.

#### Maps and Plats.

Maps of Property Holders, current, 7 v., also a number of maps, mostly town properties, on sliding boards.

Plat Books of Eureka, 3 v., about 1869 or 1870 and 1880 in old courthouse; Map of Eureka, 1881, showing location of property owners, scale 160 ft. to inch; another on same scale about 1890.

Special Properties, maps of, recent.

Several miscellaneous maps of special properties such as railroads, lumber companies, etc. In the case of the latter the areas cut off during each year are indicated on the map.

School Districts, map of, current.

Trinidad, map of, n.d.

#### ARCHIVES OF THE TAX COLLECTOR.

Assessment Rolls, current.

Cash Book of Tax Collector, 1881-1883; 1891-date, 26 v.

Delinquent Tax Cash Book, 1881-1891, scattering, 7 v.

Licenses, Cash Account of, 1897-date, 2 v. (5-6).

Licenses Collected, ledger of, 1885-date, 7 v. (3-9).

Tax Sales, record of, 1873-1894, 4 v. (A, 1-3).



## CITY AND COUNTY OF SAN FRANCISCO.

## Archives of the Recorder.

Pre-Statehood Records, 1838-1850.\*

## MEXICAN PERIOD, with later records in Spanish.

1. "Spanish Records, Liber 1," Nov. 26, 1838-May 23, 1851. 1 v., 44 pp., 9x15 in. Indexed.  
Copy and translation of part in No. 16, pp. 243-302.
2. "Spanish Blotter, B." [May 1, 1839-August, 1846.] 12 pp., 7½x12. In paper covers, badly worn; tied in canvas boards.
3. Copy of same; 32 photographs. 2 v., 10½x13 in.
4. Duplicate of No. 3.
5. Copy with translation (Dec. 10, 1849), labeled, "Spanish Record, B." 32 pp., 9½x15 in.  
Copy and translation in No. 16, pp. 304-325.  
Copy in No. 17, pp. 75-88.
6. "Blotter of Official Notes of Feo. Guerrero, while Alcalde at different times, 1839, 1840, 1841, 1842, 1843." May 15, 1839-Oct. 5, 1843. 22 pp., 8x12. Bound in pasteboards and tied in canvas-leather binder.  
Copy in No. 17, pp. 1-73.
7. "Original Grants, A." Nov. 12, 1839-Apr. 30, 1847. 367 pp., 7½x12 in.  
Inside title, "Land Records with titles to lots in the town of Yerba Buena." The early records are Spanish, later ones English. In this copy the first page is missing.
8. Cert. copy (1864), 367 pp., 9x15 in.
9. Index to original grants, Oct., 1846-April, 1850. 275 pp., 8½x15 in.
10. Copy, 626 pp., 10½x17 in.
11. "Blotter of Official Notes . . . from the Alcalde of San Francisco, 1846." Mar. 5, 1846-June 15, 1846. 18 pp., 8½x12 in. Tied in canvas boards.  
Copy in No. 17, pp. 91-118.
12. "Spanish Records, Liber A." Los Angeles, July 29, 1846-Jan. 14, 1850. 70 pp., 7½x13 in.
13. Copy, 37 pp., 7½x13. Pages 1-58 of No. 12.  
Copy and translation in No. 16, pp. 1-86.
14. "Transfer of Deeds, Liber A." for Register of Deeds of Sale, Dist. of San Francisco. Oct. 10, 1846-Jan. 7, 1848. 347 pp., 7½x12½. Reverse is "Record of title to lots under Mexico, Entry No. 1, grant to Hudson Bay Co., Sept. 9, 1841." 81 pages, partly used.
15. Cert. copy, "Transfer Deeds A." 348 pp., 9½x15 in. Reverse 21 pp., 9½x15 in.
16. "Spanish Records--Translation and Index." 362 pp., 10x16½ in.  
Copies and translations of following documents:  
pp. 1-86, "Bk. A of Spanish Records" (No. 12);  
pp. 88-122, "Bk. B of Span. Records" (No. 22);

\*These records are here listed chronologically, each volume being assigned a serial number.

- pp. 124-240, "Lib. A of Original Grants" (in Spanish) (No. 7);
- pp. 243-302, "Lib. 1, Span. Records." Copy and translation. Not all of original. (No. 1);
- pp. 304-325, "Spanish Blotter, B." (No. 2);
- pp. 326-371, "Transfer Deeds, A." Not, however, a copy of No. 14, as the entries are for earlier dates. Jan. 21, 1844-May 18, 1846. (Recorded in 1853.)
17. "Official notes—Spanish Blotter, B, Transfer Deeds, Investigation, Index A B C, Release Deeds." 229 pp., 11½x17 in. Originals copied in good hand, but neither certified to nor translated. Contents are as follows:
- pp. 1-73, Blotter of official notes of Fr'co Guerrero, while Alcalde. (No. 6);
  - pp. 75-88, Spanish Blotter, B. (No. 2);
  - pp. 91-118, Blotter of official notes . . . 1846 (No. 11);
  - pp. 121-126, Investigation of a complaint made by Rosa Archuleta vs. Francisco Rochin, her husband, 1846.
  - pp. 128-137, Miscellaneous transfer deeds and district deeds, Book B, "O.K." (No. 19);
  - pp. 138-229, Index to Books A, B and C of transfer deeds, 1846, 1847, 1848, 1849. (No. 20).

#### EARLY AMERICAN PERIOD.

18. "Ledger of Alcalde," Aug. 15, 1846-Sept. 27, 1847; 33 pp., 8x13.  
Very good, as it gives account of all moneys handled, with names and reasons for transfer; also notes justifying action. First page has copy of letter from Stockton authorizing use of public money.
19. Miscellaneous Transfer Deeds and District Deeds, Book B, "O.K." Nov. 29, 1847-July 5, 1848. 11 pp., 8x12 in. Bound in canvas-leather boards. Contains also the following:
- 4 pp., Index to Original Grants (No. 9);
  - 8 pp. Juscgado de las Constitucional del P. de San Jose de Guadeloupe. Ano de 1846.
20. Index Book, A, B, C of Transfer Deeds and Release Deeds, 1846-7-8. 25 pp., 8x13, bound in pasteboards, tied in canvas-leather cover.
21. Miscellaneous, 1846. Two marriage entries, remainder an index to lot holders in San Francisco, No. 1-715. 200 pp., 8x13.
22. Spanish Record, B. Feb. 9, 1847-Apr. 30, 1850. In Spanish. 33 pp., 8x13.
23. Copy, 33 pp., 9½x15.  
Copy in No. 16, pp. 88-122.
24. "Brand Book, No. 1," June, 1847-Jan. 16, 1901. 32 entries. 19 pp., 7½x13 in.
25. "Water lots, B," July-Sept. 14, 1847. 181 pp., 7½x11½ in. Leather.

Lots sold at auction by Alcalde Hyde, under grant of Gov. Kearney (Monterey, Mar. 10, 1847).

26. Cert. copy (Mar. 10, 1863), 182 pp., 9x15 in.
27. Water Lots, B-C, Sept. 20-Dec. 7, 1847. 320 pp.,  $7\frac{1}{2}$ x11 $\frac{1}{2}$ .
28. Cert. copy (Mar. 10, 1863), 333 pp., 9x15 in.
29. Copy. 320 pp. Outside title, "Records."
30. Original Grants, B, Aug. 31, 1847-Oct. 15, 1849. 80 pp.,  $7\frac{1}{2}$ x12 $\frac{1}{2}$  in.
31. Cert. copy (April, 1863). Good penmanship. 80 pp.,  $9\frac{1}{2}$ x15 $\frac{1}{2}$  in.
32. Miscellaneous, AA, Sept. 6, 1847-Jan. 18, 1851. 172 pp. 8x15 in.
33. "District Record, Liber B, DR.," Nov. 29, 1847-Aug. 12, 1849. 75 pp., 9x14 in. Land records.
34. Cert. copy (1864), 75 pp., 9x15.
35. Transfer Deeds, Book B, Feb. 1-Sept. 9, 1848. 217 pp., 7x15 in.

In back are 1 $\frac{1}{2}$  pp. of "Notes on California" by Alcalde Hyde.

36. Copy, 216 pp., 8x14 in. (Outside title, "Records.")
37. Copy, 217 pp., 9x15 in. Good penmanship.
38. "Land Titles, C." Sept. 18, 1848-Apr. 6, 1849. 371 pp., 10x15 in. Evidently a continuation of "Transfer Deeds, B."
39. Miscellaneous Records, 2, Dec. 13, 1848-June 25, 1849. Mostly preemptions, etc. 71 pp., 9x13 in.
40. Miscellaneous, 1849, May 5-Dec. 6, 1849. 36 pp., 9x15 in.
41. Miscellaneous, BB, June 8, 1849-May 7, 1850. 221 pp., 8x14 in. Indexed.
42. Copy, 221 pp., 8x13 in. (Outside title, "Records.")
43. District Record, Blotter B. 63 pp.,  $7\frac{1}{2}$ x12 in. Paper cover bound in canvas-leather cover. Sale of lots, July, 1849.
44. Copy, 63 pp., 11x18 in.
45. Almond Records, Liber A, Oct. 8, 1849-Feb. 1, 1850. 338 pp.,  $7\frac{1}{2}$ x12 in.

A set of miscellaneous records, the most of which were kept by W. B. Almond, Judge of First Instance.

46. Copy, 338 pp., 8x13 in.
47. Almond Records, B, Dec. 21, 1849-Apr. 13, 1850. 317 pp.,  $7\frac{1}{2}$ x12 in. With index.
48. Copy, 317 pp., 8x13 in.
49. Satisfisfaction of] Mort[gages], A, Oct. 8, 1849-Jan. 24, 1852. 292 pp., 8x12 in. Indexed.
- Alcalde Deeds. 5 v. in printed forms, as follows:
- 50-1. 50-vara lots, Nov.-Dec., 1849. 2 v. 250 pp.,  $7\frac{1}{2}$ x9 in.
52. 100-vara lots, Dec., 1849. Deeds, 171-240. 200 pp.,  $7\frac{1}{2}$ x9 in.
- 53-4. Water Lots, Jan., 1850. 2 v., 200 pp., 8x10 in.
- "Certified Grants," certified transcripts of Alcalde Deeds. 5 v. (I-V).
55. Vol. I, 100-vara lots, 1-305;
- 56-7. Vol. II-III, 50-vara lots, 9-699; 700-1439;
- 58-9. Vol. IV-V, Water Lots, 1-444; 400-771.
60. Mission Book Ledger, Jan. 5, 1850-Sept. 27, 1850. 150 pp., 9x15 in.

Record of pre-emption (squatter's) claims in S. F.

## Later Records, 1850–date.

Assignments of Mortgages, Apr. 4, 1906–date, 9 v. (1–9); Index, 1 v. (1).

Attachments, Sept. 5, 1850–July 18, 1856, 1 v. (1), in the vault; Mar. 28, 1906–date, 17 v. (1–17); Index, 2 v. (1–2).

Architects, July 16, 1906–date, 1 v. (1); Index, 1 v. (1).

Building Contracts, index to, 1906–date, 6 v. (1–6).

Building Costs, record of, c. 1880, 1 v. in the vault.

This is a record probably prepared to estimate the value of the improvements on property condemned by the city. It has no date, but probably belongs to the '80s.

Cash Books, 1906–1914, in basement; 1914–date, 2 v.

Certificates of Sale, Apr. 6, 1906–date, 4 v. (1–4); Index, 2 v. (1–2).

Covenants, Apr. 3, 1906–date, 52 v. (1–52); Index, 5 v. (1–5).

Deeds, May 31, 1849–Aug. 26, 1850, 11 v. (A–B, D–H, K–N).

These do not form a chronological series as several books were kept open at the same time. The earliest entry is in "D," while the latest is in "A."

Deeds, Aug. 28, 1850–July 27, 1854, v. (1–39); Feb. 19, 1859–Feb. 9, 1860, v. (91–98); Aug. 24, 1861–Feb. 11, 1864, 84 v. (141–223, 226); Sept. 18, 1894–Sept. 20, 1895, 31 v. (1627–1657); June 14, 1895–Aug. 19, 1898, 42 v. (1659–1700); July 20, 1897–Sept. 22, 1898, 41 v. (1746–1786); June 30, 1898–April 3, 1906, 394 v. (1788–2136, 2138–2166, 2168–2176, 2178–2179, 2181–2182, 2184–2186); Index, 71 v. (1, 2, 28, 39–43, 87–149).

These books, covering the period before the fire of 1906, are considered the old series.

Deeds, April 3, 1906–date, 960 v. (1–960); Index, 70 v. (1–35).

These records, which constitute the new series, are seen to begin with the unentered documents in the possession of the recorder at the time of the fire of April 18, 1906. All the public records for April 12, 13, 14 and 16 were destroyed, those of the 17th were saved.

Decrees of Distribution, index, 1906–date, 2 v. (1–2).

The decrees are recorded with Deeds.

Documents Recorded, record of number of, 1862–1863, 1876–1877, 1882–1884, 1 v., 30 pp.

Franchises, Sept. 2, 1909–date, 1 v. (1).

General Index, May, 1850–1913, 296 v. (1–296); 1913–1915, 30 v. (1–30); 1916, 30 v. (1–30).

Homesteads, Apr. 3, 1906–date, 10 v. (1–10); Index, 1 v. (1).

Leases, Apr. 4, 1906–date, 61 v. (1–61); Index, 4 v. (1–4).

Licensed Surveyors, state, 1891–date, 1 v. (1).

Lis Pendens, Apr. 2, 1906–date, 109 v. (1–109); Index to notices of action—general, 3 v. (1–3); —to quiet title, 6 v. (2–7).

Marriage Certificates, May 2, 1906–date, 22 v. (1–22); Index, July, 1904–April, 1906, 2 v.; April, 1906–date, 1 v. (1).

Marriage License Books, April 17, 1906–date, 140 v. (1–140).

Marriage Licenses delivered, 1914–date, 2 v. (1–2).

Maps and Plats: Block books of titles acquired by land owners' affidavits, 14 v.; Block books of titles by lis pendens, 16 v.; Block books of assessor, 1915, 23 v., photograph copies of the original 41 vols.; Block book, 1871; Laguna survey, 1889, certified copy. Licensed sur-

- veyors' plats, 1908–date, 1 v. (1). Maps of street extension and improvement: Stockton Street tunnel, 1912, a map book, with list of property owners affected, benefited, etc., with area of property; Twin Peaks tunnel, report of Board of Works on, Vol. III, being a map book; Street extension maps for Arch, Beverly, Bixby, Bright, Montecello, Ralston, Ramsell, Vernon and Victoria streets, and Orizaba ave., dated July, 1914, and Vulcan st., November, 1914. Map Books, 6 v. (1, 2 a–b, C–D, E–F, G, H), with two certified copies of "1" and "2," one certified copy of each of the others except "H." Maps of subdivisions on cloth, folded: Syndicate, West End, Homestead and Bernal Homestead Association, Dec., 1913; Excelsior Homestead, recorded Feb., 1914; Mission District, in part, Sept., 1914. Index to maps filed and recorded, 1853–1889, 1 v.; 1853–1912, 1 v.; 1853–date, 1 v.
- Mechanics' Liens, Apr. 3, 1906–date, 80 v. (1–80); Index, 4 v. (1–4).
- Mining Locations, April 7, 1914, 1 v. (1), contains one entry.
- Miscellany, April 2, 1906–date, 81 v. (1–81); Index, 10 v. (1–10).
- Mortgages, Nov. 8, 1895–Apr. 4, 1896, 1 v. (1136); April 3, 1906–date, 460 v. (1–460), new series; Index, 1905–1906, 1 v. (62); Index, new series, 24 v. (1–24).
- Mortgages on Personal Property, Mar. 31, 1906–date, 95 v. (1–95); Index, 4 v. (1–4).
- [Official] Bonds, Apr. 10, 1906–date, 3 v. (1–3); Index, 1 v. (1).
- Ownership, notices of, May 13, 1907–date, 11 v. (1–11); Index, 1 v. (1).
- Under act of Mar. 23, 1907.
- Papers on File, index to, Mar. 1, 1899–1902, 26 v.; 1902–1904, 28 v., building contracts only; 1904–1906, 30 v.
- Patents, Aug. 1, 1906–Mar. 24, 1910, 1 v. (1), in vault.
- Powers of Attorney, April 6, 1906–date, 11 v. (1–11); Index, 1 v. (1).
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- Wills Admitted to Probate, Apr. 19, 1907–date, 1 v. (1); Index, 1 v. (1).





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